

OFFICIAL GAZETTE



GOVERNMENT OF GOA

SUPPLEMENT

GOVERNMENT OF GOA

Department of Legislative Affairs

LA/A/714/1997

Report of the Select Committee on Bill No. 31 of 1997 The Goa Police Bill 1995 alongwith the Bill as amended by the Select Committee which was presented by to the Legislative Assembly of Goa on 18th March, 1997 is hereby published for general information in pursuance of the provisions of Rule 231 of the Rules of Procedure and Conduct of Business of Legislative Assembly.

The Goa Police Bill, 1995

(Bill No. 31 of 1995)

A

BILL

to amend and consolidate the law relating to regulation of the Police Force in the State of Goa and matters connected therewith.

COMPOSITION OF THE SELECT COMMITTEE

CHAIRMAN

1. Shri Pratapsingh R. Rane, Hon. Chief Minister.

MEMBERS

2. Shri Domnic Fernandes, Minister for Law.
3. Dr. Kashinath G. Jhalmi, Leader of Opposition.
4. Shri Manuel Fernandes.

5. Shri Manohar Parrikar.
6. Smt. Fátima D'Sa.
7. Shri Sadanand U. Malik.
8. Shri Krishna Kuttikar.

SECRETARIAT

1. Shri Ashok B. Ulman, Secretary, Legislature.
2. Shri P. N. Rivankar, Joint Secretary, Legislature.
3. Shri U. M. Desai, Under Secretary, Legislature.
4. Shri A. M. Amonkar, Section Officer, Legislature.
5. Shri N. B. Subhedar Sr. Assistant, Legislature.

GOVERNMENT

1. Dr. G. C. Srivastav, Chief Secretary.
2. Shri B. S. Subbanna, Law Secretary.
3. Shri P. R. S. Brar, Inspector General of Police

REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which Bill No. 31 of 1995 (A Bill to amend and consolidate the law relating to regulation of the Police Force in the State of Goa and matter connected therewith) was referred, having been authorised by the Committee to submit the report on its behalf, present this Report alongwith the Bill as recommended by the Committee.

The Bill was introduced in the Legislative Assembly on 13-12-1995 and was referred to Select Committee on 14-12-1995. The Committee held its preliminary meeting on 4-1-1996 and decided to invite the suggestions/comments from the Members of the Goa Legislative Assembly including Ministers, Advocates Associations such as North Goa and South Goa Advocates Associations, All Goa Advocates Associations, Goa High Court Bar Association, Public and the copies of the relevant Legislations enacted from the other States. The decision was complied. A Press Note was also issued in the local newspapers inviting suggestions on the Bill from Public. Accordingly suggestions received from the Public have been scrutinized and taken into consideration while examining the clause by clause of the Bill.

The Committee held the sittings on 13-2-1996, 19-2-1996, 7-3-1996, 8-3-1996, 21-3-1996, 26-3-1996, 31-7-1996, 7-10-96, 27-1-1997, 24-2-1997 and 4-3-1997 to examine the Bill in detail.

In order to acquaint the Police system, the Committee visited Mumbai on 17th to 19th march, 1996 and to New Delhi on 1st Sept. and 2nd Sept. 1996 and Calcutta from 3rd Sept. to 5th Sept. 1996 to get certain procedural information as regards the implementation of the Police Act.

Precisely there were two important issue before the Committee whether to adopt Commissionerate System or to keep emphasis on "District Magisterial System". During the meetings in Bombay the opinion expressed there were in favour of "Commissionerate System".

The Chief Secretary stated that since the committee had heard the view point of the "Commissionerate system" from the police officers therefore it is also necessary to get the view points on D. M. system from the persons who have worked in both the capacities and therefore it was decided to invite senior officers who have experience in operation of both systems and accordingly the Committee heard their view point too. He also felt that the Commissionerate system is more suited to the urban areas and not to the rural areas.

Thereafter the Committee visited Delhi, Calcutta to have further study in the matter.

The Committee during its visit to New Delhi had discussions with the Secretary, Home Affairs Shri K. Padmanabhaiah, the then Lt. Governor of Delhi Administration Shri Dave; Advisor to the Ministry of Law Government of India Shri Balkrishnan, Special secretary to Home Ministry (Retd), Shri P. P. Srivastava, Commissioner of Sales Tax; Government of India Shri D. P. Mishra and Commissioners of Police Shri Nikhil Kumar and Additional Commissioner of Police of Delhi Administration. The Committee also met Shri Saheb Singh Verma, Chief Minister of Delhi alongwith the Chief Secretary of Delhi Administration Shri Jaikrishnan.

During the visit to Calcutta, Committee held the valuable discussion with Shri Jyoti Basu, Chief Minister of West Bengal. Committee also discussed police system in West Bengal with Shri Budha Dev Bhattacharya, Home Minister of West Bengal alongwith Chief Secretary, Commissioner of Police Calcutta and other senior officers of Police of West Bengal Government.

The Committee had a discussion generally on the following points:—

- 1) The effectiveness of Commissioner system vis-a-vis I. G. P. system.
- 2) The pit falls/demerits/short comings of each of these systems and the remedial measures for the same.
- 3) The difficulties experienced in implementation of the present Police Act in Maharashtra, New Delhi and West Bengal.

During the visit of the Committee to New Delhi and Calcutta, the suggestion was made by the respective Chief Ministers of

National Capital of Delhi and West Bengal that in order to appreciate the effective Policing system prevailing in Singapore and Kuala Lumpur, it is better to visit and study the systems in operation there which will give insight into their working and to make necessary changes in the proposed legislation.

The Committee visited Singapore and Kuala Lumpur from 11-2-1997 to 13-2-1997 in connection with the study of Police systems available in these countries and the Committee was impressed by the discipline and modernisation of police force in these countries especially the computerisation of Police records. The Committee suggested to incorporate in our Bill some of the salient features from the Singapore Police Force Act like Section -27 of Singapore Police Act and also prohibition of certain matters like spitting, smoking, urinating, throwing garbages in public places to be dealt with stringent penalty/fines as well as the imprisonment. The Act also provides for compounding of the offences. Similar power of compounding exists under the provisions of the Motor Vehicles Act 1988 and the rules framed thereunder. Normally, the persons committing these offences could be tried under the provisions of Indian Penal Code under public nuisance. However, it was felt that since a comprehensive legislation dealing with Police is on the anvil, it was also felt that the specific provisions need to be incorporated in the Bill so that it can create awareness amongst Policemen and public about their duties and the obligations in this regards. A duty would be cast on Police Officer under the regulations to visit residences of the people in the area under their jurisdiction atleast once in six months. This is based on "Neighbourhood Police" concept practised in Japan and also in Singapore. This will create a sort of community feeling between Policemen and the people at large. In addition, to the appointment of special honorary Police Officers, the Committee has recommended to create Auxiliary Police Force on the lines of Singapore Police Act to strengthen the policing aspect. The detailed Rules for Auxiliary Police have to be drafted separately for their recruitment, training, control and supervision under Goa Police Act.

After studying the pros and cons of the bill the consensus was in favour of following the Commissionerate system and it was decided that wherever the words "Inspector General of Police" and "District Magistrate" appear in the Goa Police Bill, those words may be substituted by the words "Commissioner of Police" and at the subordinate cadre of Dy. Commissioner of Police' be substituted for "Superintendent of Police" and so on in the hierarchy.

A State of Goa having a total area of 3702 sq.kms. with length and breadth of 105 km and 60 km respectively has semi urban character. Considering the facilities of communication, the distance and rapid industrialisation, level of education, urbanization it is felt that it was character of a "City" State. Therefore, the Committee felt that such a situation demands the police system like that of the police Commissionerate prevailing in metropolitan cities. The rapid industrialisation, tourist boom, advent of Konkan Railway and economic liberalisation have unleashed an avalanche of socio-economic forces having far reaching impact on the future of the townships in Goa. The rapid urbanization has led to the mushrooming of slum dwellings at the outskirts of the cities of Goa.

It is felt, that the need of the time is that Police has to react with alacrity and speedily considering the growing crime rates in

the State of Goa. In fact there has been delays caused by multiple decision making system. The traffic jams, hold-ups and other administrative problems demand and especially to deal with "law and order" situation full accountability and responsibility on one person /agency/ i. e. Commissioner of Police. Therefore, the "Commissioner of Police" be held accountable for any misuse of power or negligence or indifference. With the judiciary separated from the executive, on the principles of sound of professional management, it is felt the Police also should be freed from the Magistracy to give it a more professional orientation. The Britishers who adopted Institution of "District Magistrate" had introduced the "Police Commissioner" system in the Presidencies of Calcutta, Bombay and Madras and later the Fraser Commission stated that for prompt action, sense of responsibility and effective control there is a need to have a "Commissionerate system". Even Britishers who ran our country as their colony did not adopt this system in their own country. Mainly, perhaps the District Magistrates were mostly Britishers or from Indian Civil Services.

Apprehensions regarding misuse of powers by the police in Commissionerate system appears to be ill-founded since it is the senior officers who exercise the executive powers work under the superintendence of Home Secretary, Chief Secretary and Home Minister so the democratic fibre and control is not lost. If necessary, a High Power Committee be constituted under the Chairmanship of Retired Judge of the High Court, other members could be retired Chief Secretary or a Secretary, female Social worker of high standing having experience in handling juvenile delinquency, retired Doctor having vast experience in forensic medicine and well known Psychiatrist. "The Police Commissionerate" system is found to be effective for certain instant actions in the emergencies in a case where the riot or uprising takes place in any parts of the State at the same time, then it is difficult for the District Magistrate to reach at various places and handle the situation. Therefore, in such situations the Commissioner of Police and his subordinates can handle the situation more effectively than "District Magistrate" system. In fact, District Magistrate is loaded with so many other executive powers and busy with more developmental work, he finds very little time to appreciate the law and order situations. Secondly, the "law and order" situation does not erupt suddenly and it is a gradual process and unless a track is kept throughout about its growth and development it is very difficult to appreciate the intensity of the problem. Therefore, it is very difficult for the District Magistrate to appreciate the intenseness/gravity of the situation, unless he keeps up-to-date information and has knowledge about the gradual increase of the gravity of the "law and order" situation. And even when a judicial probe is ordered by the Government, the District Magistrate always takes the help of the Police to prepare his report. Despite general control and direction of the District Magistrate, it is clearly seen that the Police face the brunt of any failure to contain crime or the Law and Order. Therefore, it is but natural that if the Police Commissioner is given the powers and responsibility to handle the situation then he can be held accountable for laxity, misuse, indifference on the part of the police. The Police Commissionerate system has also attribute of firmness of action, speedy decision, singleness of the purpose coupled with the discipline and the force behind the action.

The Committee felt that a single agency capable of taking quick, effective and efficient decisions on the spot having full

supporting force will be more appropriate. The Commissioner of Police is professionally trained, competent and accustomed to "Law and Order" situations and therefore should be made accountable and responsible for the same.

It is also felt that to deal with traffic offences, the power of compounding may also be given to the police. Prevention of crime is also an important function of the Police, where the District magistrate system is ineffective.

Section — 4 may be amended as follows — as per Bombay Police Act.

"The Superintendence of the Police Force throughout (State of Goa) vests in and exercisable by the State Government and subject to such superintendence, the Secretary to the State Government in the Home Department, whether designated as Secretary, Home Secretary, Special Secretary, Additional Chief Secretary or otherwise, in charge of the law and order division of the Home Department shall exercise control, direction and supervision over the Police Force if need be."

The Committee is very thankful to Shri B. S. Subbanna, Law Secretary for his valuable guidance while examining the Bill. The Committee is also thankful to Dr. G. C. Srivastava, Chief Secretary, Shri P. R. S. Brar, Inspector General of Police, Shri Pathania Director General of Police, Shri R. D. Tyagi, Commissioner of Police Maharashtra State Police Department and Shri K. Padmanabhaiah, Secretary Home Affairs, New Delhi, Shri Balkrishnan Advisor to Ministry of Law, Government of India, Shri P. P. Srivastav (Retd.) Special Secretary to Home Ministry, Government of India, Shri Nikhil Kumar, Commissioner of Police, New Delhi and Shri Budhadev Bhattacharya, Home Minister West Bengal, Chief Secretary and Commissioner of Police West Bengal in helping the Committee in its deliberations and finalising the recommendations. The Committee makes special reference and thanks Shri Sahib Singh Verma, Chief Minister of National Capital Territory of Delhi and Shri Jyoti Basu Chief Minister of West Bengal, Shri Dave the then Lt. Governor of Delhi Administration for sparing their valuable time to offer suggestions and to share their views on the subject to the Committee. The Committee is also thankful to Shri Ashok B. Ulman, Secretary, Legislature and Officers and Officials of the Legislature Secretariat for their co-operation.

The Select Committee has adopted the report after careful consideration of the different views/evidence tendered before the Committee in its meeting held on 14th March, 1997.

PRATAPSINGH R. RANE
Chairman

Select Committee on Goa Police
Bill

Dated: 14-3-1997

MAJOR RECOMMENDATIONS

N. B.: Deletions made by the Select Committee are shown in square brackets and additions and substitutions made are underlined.

THE GOA POLICE BILL, 1995

(Bill No 31 of 1995)

A

Bill

to amend and consolidate the law relating to regulation of the Police Force in the State of Goa and matters connected therewith.

BE it enacted by the Legislative Assembly of Goa in the [Forty-Sixth] Forty-Seventh Year of Republic of India as follows:—

CHAPTER I

Preliminary

1. **Short title, extent and commencement.**— (1) This Act may be called the Goa Police Act, [1995] 1997.

2. It extends to the whole of the State of Goa.

2. **Definitions:**— In this Act, unless the context otherwise requires, —

(a) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(b) "Commissioner" means the Commissioner of Police appointed under section 6;

[b](c) "competent Authority" when used with reference to the exercise of any power or discharge of any duty under the provisions of this Act, means the [Inspector General of Police] Commissioner of Police appointed under Section 6 or any other Police Officer specially empowered in that behalf by the Government;

[c] (d) "constable" means a Police Officer of the lowest grade;

[d] (e) "eating house" means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning, or having any interest in, or managing, such place and includes—

(i) a refreshment room, boarding house or coffee house; or

(ii) a shop where any kind of food or drink is supplied to the public for consumption in or near such shop, but does not include a place of public entertainment.

[e] (f) "police force" means the police force referred to in Section 3 and includes —

(i) all persons appointed as [special] honorary police officers under sub-section (1) of section 17; [and additional police officers appointed under section 18;] and

1. The Committee has recommended to introduce the Police Commissionerate system in Goa, therefore it is decided wherever the words "Inspector General of Police" and "District Magistrate" appear in the Goa Police Bill, may be substituted by the words "Commissioner of Police" and at the subordinate cadre of "Deputy Commissioner of Police" be substituted for "Superintendent of Police" and so on in the hierarchy.

2. Wherever the punishments with fine or imprisonment or both is found to be mild in the clause of this bill, the Committee recommends to make it more stringent and deterrent so that the preventive aspects is taken care of.

3. The Committee recommended that the Section — 2 may be amended on the lines of Bombay Police Act as follows:—

The Superintendence of the Police Force throughout (State of Goa) vests in and exercisable by the State Government and subject to such superintendence, the Secretary to the State Government, in the Home department, whether designated as secretary, Home Secretary, Special Secretary, Additional Chief Secretary or otherwise, in charge of the law and order division of the Home Department shall exercise control, direction and supervision over the Police Force, if need be.

4. Committee recommended that in clause 17 the word special may be substituted with the word "Honorary".

5. Committee recommended that clause 18 may be deleted as the purpose of this clause is covered under the clause—34, 35 and 36 of this Bill.

6. In order to remove the apprehensions if any of the misuse of power in the Commissionerate system of Police, the committee recommended that a high power Committee may be constituted under the Chairmanship of retired judge of High Court and four other Members namely, retired Chief Secretary or Secretary, female Social Worker of high standing having vast experience handling juvenile delinquency, retire Doctor having vast experience in forensic medicine and a well known Psychiatrist.

7. The Committee suggested some of the salient features from the Singapore Police Force Act for example Section — 27 of Singapore Police Force Act and also prohibition of certain matters like spitting, smooking, urinating, throwing garbages in public places with stringent penalty/fines as well as imprisonment be incorporated in the Police Act. Normally, the persons committing these offences could be tried under the provisions of Indian Penal Code under public nuisance, however, it was felt that since a comprehensive legislation dealing with Police is on the anvil, it was felt that the specific provisions need to be incorporated so that it can create awareness amongst Policemen and public about their duties and the obligations in this regard. The Committee also suggested that these provisions may be made applicable to Panaji a capital city and there-after be extended to other cities of Goa. The Committee has recommended to create Auxiliary Police Force on the lines of Singapore Police Force Act to strengthen the policing aspect.

(ii) other subordinate staff in the Police force appointed by whatever name known, who exercise any Police function in any part of Goa;

[ii] (iii) all other persons, by whatever name known, who exercise any police function in any part of Goa;

[f] (g) "Goa" means the State of Goa;

[g] (h) "Government" means the Government of Goa;

[h] (i) "municipality" means a Municipal Council constituted or deemed to be constituted under the Goa, Municipalities Act, 1968 (9 of 1969);

[i] (j) "place" includes—

(i) any building, tent, booth or other erection, whether permanent or temporary; and

(ii) any area, whether enclosed or open;

[j] (k) "place of public amusement" means any place where music, singing, dancing or games or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard or bagatelle room, gymnasium, [fencing] dancing school, swimming pool or dancing hall;

[k] (l) "place of public entertainment" means a lodging house, boarding and lodging house or residential hostel and includes any eating house or other place in which any kind of liquor or intoxicating drug is supplied (such as a tavern or a shop where neera, spirit, urrack, toddy or bhang is supplied) to the public for consumption in or near such place;

[l] (m) "police officer" means any member of the Police force;

[m] (n) "prescribed" means prescribed by rules;

[n] (o) "public place" means any place to which the public have access, whether as of right or not, and includes,—

(i) a public building and monument and precincts thereof; and

(ii) any place accessible to the public for drawing water, washing or bathing or parties or trade or business or for purposes of recreation;

[o] (p) "regulations" means regulations made under this Act;

[p] (q) "rules" means rules made under this Act;

[q] (r) "Secretary" means Secretary to the State Government in charge of the Home Department whether designated as Secretary or Home Secretary;

[r] (s) "street" includes any highway, bridge, way over a causeway, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a thoroughfare;

[s] (t) "subordinate ranks" means members of the police force of and below the rank of the Inspector;

[t] (u) "vehicle" means any carriage, cart, van, dray, truck, handcart or other conveyance of any description and includes a bicycle, tricycle a rickshaw, a motor vehicle, a vessel or an aeroplane.

CHAPTER II

Organisation, Superintendence and Control of the Police Force

3. **One Police force for the whole of Goa.** — There shall be one police force for the whole of the State of Goa and all officers and subordinate ranks of the police force shall be liable for posting to any branch of the force. The Commissioner of Police may for the purpose of the proper administration assign duty to the Police Officer to such branch as he deem fit.

[4. **Superintendence of Police force to vest in the Government.**— The superintendence of the Police force throughout Goa shall vest in, and be exercisable by the Government; and any control, direction or supervision exercisable by any officer over any member of the police force shall be exercisable subject to such superintendence.]

4. **Superintendence of Police Force throughout Goa vests in and exercisable by the State.** — The superintendence of the Police Force throughout Goa Vests in and excisable by the Government and subject to such superintendence, the Secretary to the Government in the Home Department, whether designated as Secretary, Home Secretary, Special Secretary, Additional Chief Secretary, or otherwise, in charge of the Law and Order division of the Home Department shall exercise control, direction and supervision over the Police Force, if need be.

5. **Constitution of Police force.**— Subject to the provisions of this Act,—

(a) the Police force shall consist of such number in the several ranks and have such organisation and such powers, functions and duties as the Government may, by general or special order, determine; and

(b) the recruitment to, and the pay, allowances and all other conditions of service of the members of the police force shall be such as may be prescribed;

Provided that nothing in Clause (b) shall apply to the recruitment to, and the pay, allowances and other conditions of service of the members of the Indian Police Service.

6. **[Inspector General of Police] Commissioner of Police**— For the direction and supervision of the police force in

Goa, the Government shall appoint [an] a [Inspector General of Police] Commissioner of Police who shall exercise such powers and perform such duties and functions as are specified by or under this Act.

7. [Deputy Inspector General of Police] Additional Commissioner of Police.— (1) The Government may appoint one or more [Deputy Inspector Generals of Police] Additional Commissioner of Police for the purpose of this Act.

(2) The [Deputy Inspector General] Additional Commissioner of Police shall—

(a) assist the [Inspector General of Police] Commissioner of Police in the exercise of his powers and the performance of his duties in such manner and to such extent, and

(b) exercise such powers and perform such duties of the [Inspector General of Police] Commissioner of Police and within such local limits,

as the Government may, by general or special order, specify.

[8. Superintendent of Police and Dy. Superintendent of Police.— (1) The Government may appoint one or more Superintendents of Police or Deputy Superintendents of Police for the purpose of this Act.

(2) Without prejudice to the other provisions of this Act and subject to any general or special orders made by the Government in this behalf, every Superintendent of Police or Deputy Superintendent of Police shall, under the orders of the Inspector General of Police, exercise such of the powers (except the power to make regulations) and perform such of the duties of the Inspector General of Police and within such local limits as may be specified in such orders.]

8. Deputy Commissioner of Police, Additional Deputy Commissioner of Police and Assistant Commissioner of Police.—

(1) the Government may appoint one or more Dy. Commissioners of Police, Additional Dy. Commissioners of Police or Assistant Commissioner of Police for the purpose of this Act.

(2) without prejudice to the other provisions of this Act and subject to general or special orders made by the Government in this behalf every Dy. Commissioner of Police or Additional Dy. Commissioner of Police or Assistant Commissioner of Police shall exercise such of the powers (except powers to make regulations) and perform such of the duties of Commissioner of Police and within such local limits as may be specified in such Order.

9. Appointment of Principals of Police Training Institution.— (1) (a) The Government shall appoint a Police Officer not below the rank of [Superintendent of Police] Deputy Commissioner of Police to be the Principal of the Police Training School for Goa.

(b) The Government may by general or special order assign to the principal of the Police Training School such powers and duties as it may deem fit for the proper functioning of that School.

(2) (a) The Government may establish a Police Training College for Goa and appoint a Police Officer [of appropriate rank] not below the rank of Additional Commissioner of Police to be the Principal of such College.

(b) The Government may by general or special order assign to the Principal of the Police Training College such powers and duties as it may deem fit for the proper administration of the College.

10. Constitution of Police Districts, Sub-Divisions and Police Stations.— The Government may, by notification,—

(a) constitute Police Districts within Goa;

(b) divide such Police Districts into Police Sub-Divisions and specify the Police Stations comprised in each such Sub-Divisions; and

(c) define the limits and extent of such Police Districts, Police Sub-Divisions and Police Stations.

[11. Officers in Charge of Police Districts, Police Sub-Divisions and Police Stations.— (1) Each Police District shall be under the charge of one or more Superintendents of Police.

(2) Each Police Sub-Division shall be under the charge of Deputy Superintendent of Police and each Police Station shall be under the charge of an Inspector of Police or a Sub-Inspector of Police.]

11. Officers in-charge of Police Districts, Police Sub-Divisions and Police Stations.—

(1) each Police District shall be under the charge of a Dy. Commissioner of Police, who may be assisted in the discharge of his duties by one or more Additional Dy. Commissioner of Police.

(2) each Police Sub-Division shall be under the charge of Assistant Commissioner of Police and each Police Station under the charge of Inspector of Police or Sub-Inspector of Police.

12. Appointment of Sub-Ordinate Ranks.— Subject to such general or special orders as the Government may make in this behalf —

(a) Inspectors of Police may be appointed by the [Deputy Inspector General of Police] Additional Commissioner of Police; and

(b) Sub-Inspectors of Police and other officers of subordinate rank may be appointed by the [Deputy Inspector General of Police] Deputy Commissioner of Police or any other Police Officer specially empowered in this behalf.

13. Certificate of Appointment.— (1) Every Police Officer of the rank of Inspector and below shall on enrolment receive a certificate of appointment.

(2) The certificate shall be issued under the seal of such officer, and shall be in such form, as may be prescribed.

(3) A certificate of appointment shall become null and void when the person named therein ceases to belong to the Police force or shall remain inoperative during the period, such person is suspended from the Police force.

14. **Effect of Suspension of Police Officers.**— The powers, functions and privileges vested in a Police Officer shall remain suspended while such Police Officer is under suspension from office:

Provided that notwithstanding such suspension such person shall not cease to be a Police Officer and shall continue to be subject to the control of the same authorities to which he would have been subject if he had not been under suspension.

15. **General Powers of [Inspector General of Police] Commissioner of Police.**— The [Inspector General] Commissioner of Police shall direct and regulate all matters of arms drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of law, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police force under them.

16. **Power of [Inspector General of Police] Commissioner of Police to investigate and regulate matters of Police accounts.**— The [Inspector General of Police] Commissioner of Police shall have the authority to investigate and regulate all matters of account connected with the Police force and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

17. **[Special] Honorary Police Officers.**— (1) The [Inspector General of Police] Commissioner of Police may, at any time, by a written order, signed by himself and sealed with his own seal, appoint able bodied person not less than eighteen years of age [whom he considers fit], to be a Special Police Officer to be designated as "Honorary Police Officer" to assist the police force for such purpose as may be prescribed [on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace in any area and he is of the opinion that the ordinary police force is not sufficient for the protection of persons residing, and for security of property within such area.]

(2) The [Inspector General of Police] Commissioner of Police shall publish the names of such Honorary Police Officers appointed under this Section in such manner and for such period as may be prescribed.

(3) Any person objecting to the appointment of any person as such Honorary Police Officer may send his reasons for such objection to the [Inspector General of Police] Commissioner of Police within 15 days of such appointment and the [Inspector General of Police] Commissioner of Police may accept such objection and cancel the appointment of such officer or, after giving to the objector an opportunity to be heard, reject the objection.

(4) Every Honorary Police Officer appointed under this section shall, on appointment,—

(a) receive a certificate of appointment in such form as may be specified by the Government in this regard;

(b) have the same powers, privileges and immunities and perform the same duties and be subject to the same authorities as an ordinary Police Officer.

[18. **Additional Police Officer.**— Where additional Police Officers are required to be deputed under section 38, section 39 or section 40 the Inspector General of Police may appoint such number of additional Police Officers as he considers necessary and every such additional police officer shall, on appointment,—

(a) receive a certificate of appointment in such form as may be specified by the Government in this behalf;

(b) have such of the powers, privileges and immunities and perform such of the duties of a police officer as are specifically mentioned in the certificate; and

(c) be subject to the same authorities as an ordinary police officer of the same or similar rank or grade.]

CHAPTER III

Regulation, Control and Discipline of the police force

[19.] 18. **Framing of regulation for administration of the Police.**— Subject to the orders of the Government the [Inspector General of Police] Commissioner of Police may make regulations not inconsistent with this Act or any other law for the time being in force—

(a) regulating the inspection of the Police force by his subordinates;

(b) determining the description and quantity of arms, accoutrements, clothing and other necessities to be furnished to the Police;

(c) prescribing the place of residence of members of the police force;

(d) for institution, management and regulation of any Police fund for any purpose connected with Police administration;

(e) regulating the distribution, movement and location of the Police;

(f) assigning duties to Police Officers of all ranks and grades, and prescribing the manner in which, and the conditions subject to which they shall exercise and perform their respective powers and duties;

(g) regulating the collection and communication by the police of intelligence and information;

(h) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

[20.] 19. **Power to call for returns.**— The Secretary [as also the District Magistrate] may call for such returns, reports and statements on any subject connected with the prevention and detection

of crime, the maintenance of order and the performance of the duties by the police force.

[21.] **20. Police Officers to be deemed to be always on duty and to be liable to employment in any part of Goa.**— Every Police Officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty and any Police Officer allocated for duty in any part of Goa may, if the [Inspector General of Police] Commissioner of Police, so direct, at any time be employed on police duty in any other part of Goa for so long as the service of the Police Officer may be required in such other part of Goa.

[22.] **21. Circumstances under which Police Officer of subordinate rank may resign.**— (1) Resignation of any Police Officer of such subordinate rank may be accepted only by the officer empowered to appoint and the officer so empowered to appoint being hereafter in this section referred to as "the appointing authority". [officers of such subordinate rank.]

(2) A Police Officer of subordinate rank who intends to resign from Police service shall give to the appointing authority notice in writing of two calendar months to that effect and shall not be permitted to withdraw himself from duty unless he has been granted permission to resign by such authority:

Provided that the appointing authority may at his discretion, permit a Head Constable or a Constable to withdraw himself from duty on his crediting to the Government two months' pay in lieu of notice.

(3) A Head Constable or a Constable who is under an obligation to serve for any specified period may not be permitted to resign before the expiry of that period.

(4) Inspectors, Sub-Inspectors or Assistant Sub-Inspectors of Police, whose appointments involve training at any Police Training College or Police Training School, may not be permitted to resign within three years from the date of their completion of training.

*(5) No Police Officer of subordinate rank whose resignation has been accepted by the appointing authority shall be permitted to withdraw from duty until he has fully discharged all debts, due from him as such Police Officer to the Government or to any police fund and has surrendered his certificate of appointment, arms, accoutrements, uniform and all other Government property in his possession and has also rendered a complete account of all Government money and property for which he is responsible.

(6) Notwithstanding anything contained in this section if any police officer of subordinate rank tenders his resignation on medical ground and produces a certificate signed by the Police Surgeon or any other Medical Officer authorised by the Government in this behalf declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the appointing authority shall forthwith permit him to withdraw from duty on his discharging, or giving a satisfactory security for the payment of, any debt due from him as such Police Officer to the Government or to any Police fund:

Provided that he shall forthwith return the certificate of appointment, arms, accoutrements, uniform and all other Government property in his possession before he is permitted to withdraw from duty.

(7) If any such Police Officer of subordinate rank resigns or withdraws himself from the duties of his office in contravention of this Section, he shall be liable, on the orders of the appointing authority, to forfeit all arrears of pay then due to him in addition to the penalty under any other law for the time being in force.

(8) Every such Police Officer on leaving the service in the police force as aforesaid shall be given by the appointing authority a Discharge Certificate in such form as may be prescribed.

[23. Certificate, arms, etc. to be delivered by person ceasing to be a Police Officer.— (1) Every person who for any reason ceases to be a Police officer shall forthwith deliver to the officer empowered by the Inspector General of Police, Deputy Inspector General of Police, Superintendent of Police, Principal of the Police Training College or School, Deputy Superintendent of Police or any other officer of equivalent rank to whom such officer is subordinate, to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other accessories which have been provided to him for the performance of duties and functions connected with his office.]

22. Certificate, arms etc., to be delivered by person ceasing to be Police Officer.— (1) every person who for any reason ceases to be a Police Officer shall forthwith deliver to the Officer empowered by the Commissioner, Additional Commissioner of Police, Dy. Commissioner of Police, Principal of Police Training College or School, Assistant Commissioner of Police or any other Officer of equivalent rank to whom such Officer is subordinate, to receive the same, the certificate of appointment and arms, accoutrements, clothings and other accessories which have been provided to him for the purpose of duties and functions connected with his office.

(2) (a) Any Judicial Magistrate may issue a warrant to search for and seize wherever they be found, any certificate, arms, accoutrements, clothing or other accessories not delivered under sub-section (1).

(b) Every warrant so issued shall be executed by a Police Officer or, if the Judicial Magistrate so directs by any other person in the same manner as if it were a warrant for a search issued under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(3) Nothing in this section shall apply in relation to any article which under the order of [Inspector General of Police] Commissioner of Police has become property of the person to whom the same was provided.

[24.] 23. Occupation of, and liability to vacate, premises provided for Police Officers.— (1) A Police Officer occupying any premises provided by the [Inspector General of Police] Commissioner of Police for his residence shall—

(a) occupy the same subject to such terms and conditions as may, by general or special order be specified by the [Inspector General of Police] Commissioner of Police, and

(b) notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police Officer or whenever the [Inspector General of Police] Commissioner of Police or any officer authorised by the Government in this behalf considers it, for reasons to be recorded in writing, necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so the Government or the officer authorised in this behalf by the Government may order such person to vacate the premises and may direct any Police Officer with such assistance as may be necessary to enter upon the premises and remove, therefrom, any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

CHAPTER - IV

Police Regulations

[25.] **24. Power to make Regulations for regulating traffic and for preservation of order in public places etc.** — (1) The Government may, by notification in the Official Gazette, make regulations to provide for all or any of the following matters, namely:-

(a) licensing and controlling persons offering themselves for employment, outside railway stations and other places where passengers arrive, for the carriage of passenger's baggage and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed;

(b) regulating traffic of all kind in streets and other public places, and the use of streets and other public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public;

(c) regulating the conditions under which vehicles may remain standing in streets and other public places, and the use of streets as halting places for vehicles or cattle;

(d) specifying the number and position of lights to be used on vehicles in streets and the hours between which such lights should be used;

(e) prohibiting the erection, exhibition, fixation or retention of any sign, device or representation for the purpose of advertisements, which is visible against the sky from some point to any land, building or structure at such height as may be specified in the regulations, having regard to the traffic in the vicinity, and the likelihood of such sign, device or representation at that height being a distraction, or causing obstruction, to such traffic;

(f) specifying certain hours of the day during which cattle shall not be driven, or, as the case may be, driven only in accordance with such regulations; along the streets, or along certain specified streets;

(g) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(h) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles including heavy machinery and earth moving equipments through the streets, and the route and hours for such conveyance;

(i) in order to prevent obstruction, inconvenience annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gun powder or any other explosive substance or any substance or article emitting foul odour;

(j) prohibiting, except along certain specified streets and during specified hours and subject to such conditions as may be specified in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or parts of such carcasses or corpses of persons deceased.

(k) specifying certain hours of the day during which [odour] matter or objects of offensive [matter or objects] odour shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except in accordance with such regulations;

(l) licensing, controlling or in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or other public places;

(m) regulating the conduct of or behaviour or action of persons constituting assemblies and processions on or along the streets and specifying in the case of processions, the routes by which, the order in which and the time at which the same may pass.

Explanation: "regulating" in this clause would include the power to prescribe that permission in writing should be taken a few days before the holding of a meeting on a public street.

(n) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(o) prohibiting, except in accordance with such regulations, the placing of building materials or other articles or the fastening or detention of any cattle [or other articles or the fastening or detention of any cattle] or other animals in any street or public place;

(p) in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting—

(i) the illumination of streets and public places and the exteriors of building abutting thereon by persons

other than servants of the Government, Municipal or Panchayat officers duly authorised in that behalf.

- (ii) the blasting of rock or making excavations in or near streets or public places,
- (iii) the using of a loudspeaker in or near any public place or in any place of public entertainment;

(q) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(r) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(s) prohibiting the setting of fire to or burning of any straw or other matter, or lighting a bonfire or discharging a fire-arm or air-gun, or letting off or throwing a fire-work or, sending up a fireballoon or rocket in or upon a street or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with regulations in this behalf;

(t) regulating the hours during which and the manner in which [any place for the disposal of the dead] any dhar-mashala, [village-gate] or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(u) (i) licensing or controlling places of public amusement or public entertainment;

(ii) prohibiting the keeping of places of public amusement or public entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity; and

(iii) regulating the means of entrance and exit at places of public amusement or public entertainment or assembly and providing for the maintenance of public order and the prevention of disturbance [threat] there at;

(v) (i) licensing or controlling in the interest of public order, decency or morality or in the interest of the general public (with such exceptions as may be specified in such regulation), musical, dancing, mimetic or theatrical or other performances for public amusement, including melas;

(ii) regulating in the interest of public order, decency or morality or in the interest of the general public, the employment of artists and the conduct of the artists and the audience at such performances;

[(iii)* prior scrutiny of such performances and of the scripts in respect thereof, if any and granting of suitability certificate therefor subject to conditions, if any, by a Board appointed by the Government for the purpose, either for the whole of Goa or for the area concerned or by an Advisory Committee constituted by the Government consisting of who in the opinion of the Government possess knowledge of, or experience, in literature; the theatre and other matters relevant to such scrutiny. The Government shall by rules make provision for appeal against the order or decision of the Board or the Advisory Committee to an appellate authority, its appointment or constitution, its procedure and other matters ancillary thereto, and the fees to be charged for the scrutiny of such performances or scripts, for applications for obtaining such certificates and for issuing duplicates thereof and in respect of such appeals and any such performances.

Note:- The scripts in respect thereof granted suitability certificate by any State shall be exempted from this Section:]

[iv] (iii) regulating the hours during which and the places at which such performances may be given;

[x] (w) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement;

[y] (x) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for and fixing the fees to be charged for any such licence or permission:

Provided that nothing in this section and no licence or certificate of registration granted under any regulation made thereunder shall authorise any person to import, export, transport, manufacture, sell or possess any liquor, or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under any law which is for the time being in force.

(2) The power of making regulations under this section shall be subject to the condition of the regulations being made after previous publication.

(3) If any regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bye-law of the Municipality or local authority in relation to public health, convenience or safety of the locality such regulation shall be subject to such law, rule or bye-law.

[26.] 25. Power to give directions to the public.— The [Inspector General of Police] Commissioner of Police and subject to the orders, if any made by the [Inspector General of Police] Commissioner of Police, every Police Officer not inferior in rank to an Inspector, may from time to time as occasion may arise, but not so as to contravene any regulation made under section [25] 24 or any law, rule, or bye-law referred to in sub-

section (3) of that section give all such orders either orally or in writing as may be necessary to —

- a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along streets;
- b) specify the routes by which and the times at which any such processions may pass or shall not pass;
- c) prevent obstructions —
 - i) on the occasion of all processions and assemblies;
 - ii) in the neighbourhood of all places of worship during the time of worship;
 - iii) in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;
- (d) keep order on, and in, all streets and at, and within, public bathing and washing places, fairs, temples, mosques, gurudwaras, churches and all other places of public resort or public worship;
- (e) regulate and control the playing of music, singing or the beating of drums, tom-toms, and other instruments and the blowing or sounding of horns or other noisy instruments in, and near, any street or public place;
- (f) regulate and control the use of loudspeakers in residential areas, streets, near any public places and places of public amusement or public entertainment; or
- (g) make reasonable orders consequential to, and in furtherance of, any order made under this section.

[27.] 26. **Power to prohibit certain acts for prevention of disorder.**— (1) The [District Magistrate] Commissioner of Police may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety, by notification publicly promulgated or addressed to individuals, prohibit, in relation to whole of [Goa] the District or any part thereof —

- (a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks, or lathis, or any other article, which is capable of being used for causing physical violence;
- (b) the carrying of any corrosive substance or explosives;
- (c) the carrying, collection or preparation of stones or other missiles or instruments or means of casting or impelling missile;
- (d) the exhibition of persons or corpses;
- (e) the public utterance of cries, singing of songs or playing of music; or
- (f) the delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination

tion or pictures, symbols, placards or any other subject or thing which may, in the opinion of the [Inspector General of Police] Commissioner of Police, offend against decency or morality or undermine the peace and the security of the State.

(2) If any person goes armed with any such article as is referred to in clause (a) of sub-section (1) or carries any corrosive substance or explosive or missile or instrument in contravention of any prohibition under that sub-section, the article, corrosive substance or explosive or missile shall be liable to be seized from him by any Police Officer.

[28.] 27. **Police to provide against disorder, etc., at places of public amusement or public assembly or meeting.**— (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to person assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, any police officer of the rank of Assistant Sub-Inspector and above, present at such place of public amusement, or such assembly or meeting, may subject to such rules, regulations and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at, such place of amusement or such assembly or meeting as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

(2) Every Police Officer shall have free access to every place of public amusement, assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

[29.] 28. **Power [or] to prohibit, etc., continuance of music, sound [of] or noise.**— (1) If the [District Magistrate] Commissioner of Police is satisfied from the report of an Officer in charge of a Police Station, or other information received by him, that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury, or risk of annoyance, disturbance, discomfort or injury to the public or to any person who dwells, or occupies property, in the vicinity, he may, by written order, issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating —

- a) the incidence of continuance in any street, open space or any other premises of —
 - (i) any vocal or instrumental music;
 - (ii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing or reproducing sound; or
 - (iii) use of loudspeaker or other apparatus for amplifying any musical or other sound at such pitch or volume as may cause disturbance to others, or
- b) the carrying on, in any premises, of any trade, avocation or operation resulting in or attended with noise:

Provided that no directions shall be issued to any person under clause (b) without giving to such person an opportunity of being heard in the matter.

(2) The [District Magistrate] Commissioner of Police may, either on his own motion or on the application of any person aggrieved by an order made under sub-section (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed off, the [District Magistrate] Commissioner of Police shall afford to the applicant an opportunity of appearing before him either in person or by counsel and showing cause against the order and shall, if he rejects any such application either wholly or in part, record the reasons for such rejection.

[30.] 29. Issue of order for prevention of riot, etc.— (1) In order to prevent or suppress any riot or grave disturbance of peace, [a Sub-Divisional Magistrate] an Assistant Commissioner of Police may temporarily close or take possession of any building or other place and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders as the [Sub-Divisional Magistrate] Assistant Commissioner of Police may make and notify in exercise of his power under this section.

(2) If the lawful occupant of such building or place suffers any loss or injury by reason of the action taken under sub-section (1), he shall be entitled, on an application made therefor to the [District Magistrate] Commissioner of Police within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such [District Magistrate] Commissioner of Police rendered necessary either by the use to which such building or place was put, or intended to be put, or by the misconduct of persons having access thereto.

(3) In the event of any dispute in relation to the amount of compensation payable under sub-section (2) or the person to whom such amount shall be payable, the matter shall be referred by the [District Magistrate] Commissioner of Police to the Government whose decision thereon shall be final.

Provided that the Government shall make every endeavour to dispose off the reference under this Section within a period of three months from the date of receipt of such reference.

[31.] 30. Maintenance of order at religious or ceremonial display, etc.— (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place as to which or the conduct of, or participation in, which, it shall appear to [a Sub-Divisional Magistrate] an Assistant Commissioner of Police a dispute or contention exists, which is likely to lead to grave disturbance of the peace, he may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard

being had to the apparent legal rights and to any established practice of the parties and of the persons interested and all persons concerned shall obey such orders.

(2) Every such order shall be published in the locality or place wherein it is to operate.

(3) Every order under sub-section (1) shall be subject to any judgement, decree, injunction or order made by a Court having jurisdiction and shall be rescinded or altered on its being made to appear to the [Sub-Divisional Magistrate] Assistant Commissioner of Police that such order is inconsistent with a judgement, decree, injunction or order of such Court.

[32.] 31. Power to reserve street or other public place for public purpose and power to authorise erecting of barriers in streets.— The [Inspector General of Police] Commissioner of Police may, by public notice, temporarily reserve for any public purpose any street or other public place and prohibit persons from entering the area so reserved, except on such conditions as may be specified by him.

(2) The [Inspector General of Police] Commissioner of Police may, whenever in his opinion such action is necessary:—

(a) authorise such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street so as to satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or the person in charge of such vehicle; and

(b) make such orders as he deems fit for regulating the use of such barriers.

[33.] 32. Power to make regulations prohibiting disposal of the dead except at places set apart.— (1) The Government may, from time to time, make regulations prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose:

Provided that no such regulations shall be made in respect of any area for which places have not been so set apart:

Provided further that the Government or any officer authorised by it in this behalf may, in his discretion, on an application made to him by any person grant to such person permission to dispose off the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) All such regulations shall be deemed to be rules for the purpose of Section 23 of the General Clauses Act, 1987 (Central Act 10 of 1987) and shall be subject to the condition of previous publication.

CHAPTER V

Special measures for maintenance of public order
and security of State

[34.]33. **Employment of Additional Police to keep peace.**—

(1) The [Inspector General of Police] Commissioner of Police may, on the application of any person depute any additional number of Police to keep the peace, to preserve order, to enforce any of the provisions of this Act or of any other law in respect of any particular class or classes of offences or to perform any other duties imposed on the Police at any places in Goa.

(2) Such additional Police shall be employed at the cost (which shall be determined by the [Inspector General of Police] Commissioner of Police in accordance with the rules made in this behalf) of the person making the application, but shall be subject to the order of the police authorities and shall be employed for such period as the [Inspector General of Police] Commissioner of Police considers necessary.

(3) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the [Inspector General of Police] Commissioner of Police for the withdrawal of the said Police he shall be relieved from the cost thereof at the expiration of such period not exceeding one week from the date of the delivery of such requisition as the [Inspector General of Police] Commissioner of Police shall determine.

(4) Where there is any dispute as to the amount to be paid by way of cost, the [Inspector General of Police] Commissioner of Police shall, on an application made in that behalf by the aggrieved party, refer the matter to the [District Collector] Government, whose decision thereon shall be final.

[35.](34). **Employment of Additional Police in cases of special danger to public peace.**—(1) If in the opinion of the Government any area in Goa is in a disturbed or dangerous condition or the conduct of the inhabitants or of any particular section or class of the inhabitants of such area renders it expedient to employ temporarily additional police in the area, it may, by notification in the Official Gazette, specify the area (hereafter in this section referred to as 'the disturbed area') in which, and the period for which the additional police shall be employed and thereupon the [Inspector General of Police] Commissioner of Police shall depute such number of additional Police Officers as he considers necessary, in the disturbed area:

Provided that the period so specified may be extended by the Government from time to time, if of the opinion that it is necessary [so] to do so in the interest of the public.

(2) On the issue of a notification under sub-section (1), the Government may require the District Collector, or any other authority specified by the Government, to recover whether in whole or in part the cost of such additional police generally from all persons who are inhabitants of the disturbed area or specially from any particular section or class of such person, and in such proportion as the Government may so direct.

(3) It shall be lawful for the Government to exempt by order in writing, and for sufficient reasons, any person from liability to bear any portion of the cost of such additional police.

Explanation:— In this section and in section [37] 36, the expression "inhabitants", when used in relation to any disturbed area, includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area.

[36.]35. **Employment of Additional Police at large work and when apprehension regarding behaviour of employees exists:**—

(2)(1) Whenever it appears to the Government that:—

(a) Any large work which is being carried on or any public amusement which is being conducted in any place is likely to impede the traffic or to attract a large number of people; or

(b) the behaviour or a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work or in or upon any manufactory or other commercial concern, under construction or in operation at any place necessitates the employment of additional police at such place,

the Government may depute such number of additional police to the said place for so long as the necessity to employ the additional police shall appear to the Government to continue.

(2) Such additional police shall be employed at the cost of the persons by whom the work, public amusement, manufactory or concern is being constructed, conducted or carried on and [this] the said person shall pay the costs therefor at such rates as the Government shall from time to time require.

[37.]36. **Compensation for injury caused by unlawful assembly how recoverable.**—(1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the Government may by notification in the Official Gazette, specify the area (hereafter in this section referred to as the "disturbed area") in which, and the date on which or the period during which such unlawful assembly was, in its opinion, held.

(2) On the issue of a notification under sub-section (1), the District Collector may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid.

(3) The amount of the compensation shall be deemed to be a fine imposed under [the] this section, and shall be payable by the inhabitants of the disturbed area.

(4) It shall be lawful for the District Collector to exempt, by order in writing and for sufficient reasons any person from liability to pay any portion of the compensation amount.

[38.]37. **Dispute in regard to cost of deputing additional Police or compensation under section [37] 36.**— In the event of any dispute relating to the cost payable under section [35] 34 or section [36] 35 or the compensation determined under section [37] 36 or the person or persons or the section or class of persons by whom or the proportion in which such cost or compensation

should be paid, the matter shall be referred, on an application made in that behalf by the aggrieved party, to the Chief Judicial Magistrate, whose decision thereof shall be final.

[39]38. **Recovery of amount payable under Section [34]33, section [35]34, section [36]35 or section [37]36.**— Any amount payable under section [34] 33, section [35]34, section [36]35 or section [37]36 shall be recovered in the same manner as if it were an arrear of land revenue.

[40]39. **Collector to award compensation.**— (1) Amount payable under section [34]33, section [35]34, section [37]36 shall when recovered, be credited to the Government.

(2) The District Collector shall pay, from the amount recovered by him as compensation payable under section [37]36, such amount as he deems just and proper by way of compensation to any person who has suffered loss or damage to property or grievous hurt or the legal heirs of any person who died, by reason of anything done in the prosecution of the common object of the unlawful assembly.

(3) No compensation shall be paid under this Section except when a claim has been made therefore within forty-five days from the date of the notification referred to in sub-section (1) of Section [37]36 and the District Collector is satisfied that the claimant, where the claim is by the person who suffered the loss, damage or grievous hurt, or the deceased, where the claim is by the legal heirs of such deceased, has been free from blame in connection with the occurrence which led to the loss, damage, grievous hurt or death.

(4) The compensation payable to any person under sub-section (2) shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(5). No civil suit shall be maintainable in respect of any loss, damage or grievous hurt for which compensation has been granted under this section.

[41]40. **Recovery of amount payable under section [39] 38 and [40]39.**— Without prejudice to the provisions contained in section [39]38 all amounts payable under section [35]34 or section [37]36 shall be recoverable in the manner provided in section 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974), as if each such amount were a fine imposed on an offender by a Court.

[42]41. **Dispersal of Gangs and Bodies of person.**— Whenever it appears to the [District Magistrate] Commissioner that the movement or encampment of any gang or body of persons in any part of Goa is causing or is calculated to cause danger to persons or property or reasonable suspicion that unlawful alarm or designs are entertained by such gang or body of persons or by members thereof, he may, by order addressed to the persons appearing to be the leaders or chief men of such gang or body of persons and published by announcement [or beat of drums], or otherwise direct the members of such gang or body of persons—

(a) to so conduct themselves as shall seem necessary in order to prevent violence and alarm; or

(b) to disperse and to remove themselves beyond the limits of Goa, or any part thereof, within such time as may be specified and not to enter Goa or the part thereof, as the case may be, from which they were directed to remove themselves.

[43]42. **Removal of persons about to commit offences.**— Whenever it appears to the [District Magistrate] Commissioner,—

(a) that the movements or acts of any person are causing or are calculated to cause alarm, danger or harm to person or property; or

(b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, Chapter XVI, Chapter XVII or Chapter XXII of the Indian Penal Code (45 of 1960), or under section 290 or sections 489-A to 489-E (both inclusive) of that code or in the abetment of any such offence; or

(c) that such person —

(i) is so desperate and dangerous to render his being at large in Goa or any part thereof hazardous to the community; or

(ii) has been found habitually intimidating other persons by acts of violence or by show of force; or

(iii) habitually commits affray or breach of peace or riot, or habitually makes forcible collection of subscription or threatens people for illegal pecuniary gain for himself or for others; or

(iv) has been habitually passing indecent remarks on women and girls, or teasing them by overtures and that in the opinion of the [District Magistrate] Commissioner witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property,

the [District Magistrate] Commissioner may by order in writing duly served on such person, [or by beat of drum] or otherwise as deemed fit, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alarm or to remove himself outside Goa, or any part thereof, by such route and within such time as may be specified and not to enter or return to Goa or any part thereof, as the case may be from which he was directed to remove himself.

Explanation:— A person who during a period within one year immediately preceding the commencement of an action under this section has been found on not less than three occasions to have committed or to have been involved in any of the acts referred to in this section shall be deemed to have habitually committed that act.

[44]43. Removal of person convicted of certain offences.— If a person has been convicted —

(a) of an offence under Chapter XII, Chapter XVI or Chapter XVII of the Indian Penal Code (45 of 1860); or

(b) of an offence under section 3 or section 4 of the Goa, Public Gambling Act, 1976 (14 of 1976) or under section 12 of that Act or on two or more occasions under any other provisions of that Act; or

(c) of any offence under the Immoral Traffic (Prevention) Act, 1956 (Central Act 104 of 1956); or

(d) of any offence under sections 25 to 29 of the Arms Act [1956]1959 (Central Act 54 of [1950]1959); or

(e) of any offence under section 135 of the Customs Act, 1962 (Central Act 52 of 1962); or

(f) on two or more occasions of an offence under the Goa Prevention of Begging Act, 1973 (Act No. 4 of 1973); or

(g) on three or more occasions of an offence under section [98]92 or section [100]94 of this Act,

the [District Magistrate] Commissioner may, if he has reason to believe that such person is likely again to engage himself in the commission of any of the offences referred to in this section, by order in writing, direct such person to remove himself beyond the limits of Goa or any part thereof, by such route and within such time as the [District Magistrate] Commissioner may specify and not to enter or return to Goa or any part thereof, as the case may be, from which he was directed to remove himself.

[45]44. Period of operation of orders under sections [42]41, [43]42 or [44]43.— Any direction made under section [42]41, section [43]42 or section [44]43 not to enter Goa or any part thereof, shall be for such period as may be specified therein, and shall in no case exceed a period of two years from the date on which it was made.

[46]45. Hearing to be given before order under section [42]41, [43]42 or [44]43 is passed.— (1) Before an order under section [42]41, section [43]42 or section [44]43 is made against any person, the [District Magistrate] Commissioner shall by notice in writing inform him of the general nature of the material allegation against him and give him reasonable opportunity of tendering an explanation regarding them.

(2) If such person makes an application for the examination of any witness to be produced by him, the [District Magistrate] Commissioner shall grant such application and examine such witness, unless for reasons to be recorded in writing, the [District Magistrate] Commissioner is of opinion that such application is made for the purposes of causing vexation or delay.

(3) Any written explanation put in by such person shall be filed with the record of the case.

(4) such person shall be entitled to be represented in the proceeding by a counsel.

(5) (a) The [District Magistrate] Commissioner may for the purpose of securing the attendance of any person against whom any order is proposed to be made under section [42]41, section

[43]42, or section [44]43 require such person, by order in writing to appear and to furnish a security bond with or without security for attendance during the inquiry.

(b) The provisions of section 119 to section 124 (both inclusive) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall so far as may be apply in relation to the order under clause (a) to furnish security bond.

(6) Without prejudices to the foregoing provisions, the [District Magistrate] Commissioner, while issuing the notice to any person under sub-section (1) may issue a warrant for his arrest and the provisions of section 70 to 89 (both inclusive), of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall so far as may be, apply in relation to such warrant.

(7) The provisions of section 445, section 446, section 448 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall so far as may be, apply in relation to all bonds executed under this section.

[47]46. Appeal against order under section [42]41 to [44]43.— (1) Any person aggrieved by an order made under section [42]41, section [43]42 or section [44]43 may appeal to the Government within thirty days from the date of the service of such order on him.

(2) An appeal under this section shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against, and shall be accompanied by order or a certified copy thereof.

(3) On receipt of such appeal, the Government may, after giving a reasonable opportunity to the appellant to be heard either personally or by a counsel and after such further inquiry, if any, as it may deem necessary, confirm, vary or set aside the order appealed against:

Provided that the order appealed against shall remain in force pending the disposal of the appeal, unless the Government otherwise directs.

(4) The Government shall make every endeavour to dispose off an appeal under this section within a period of three months from the date of receipt of such appeal.

(5) In calculating the period of thirty days provided for an appeal under this section, the time taken for obtaining a certified copy of the order appealed against, shall be excluded.

[48]47. Finality of order in certain cases.— An order passed by the [District Magistrate] Commissioner under section [42]41, section [43]42 or section [44]43 or the Government under section [47]46 shall not be called in question in any court except on the ground—

(a) that the [District Magistrate] Commissioner or the Government as the case may be, had not followed the procedure laid down in sub-section (1), sub-section (2) or sub-section (4) of section [46]45 or in section [47]46 as the case may be; or

(b) that there was no material before him upon which he could have based his order or;

(c) in the case of an order made under section [43]42 or an order in appeal therefrom to the Government under section [47]46, the [District Magistrate] Commissioner or the Government as the case may be, was not of the opinion that witnesses were unwilling to come forward to give evidence in public against the persons against whom such order has been made.

[49]48. **Procedure on failure of person to leave the area and his entry therein after removal.**— If a person to whom a direction has been issued under section [42]41, section [43]42 or section [44]43 to remove himself from Goa or any part thereof.

(a) fails to remove himself as directed; or

(b) having so removed himself, enters Goa or any part thereof within the period specified in the order otherwise than with the permission of the [District Magistrate] Commissioner under section [50]49, the [District Magistrate] Commissioner may cause him to be arrested and removed in Police custody to such place outside Goa or any part thereof as he may in each case specify.

[50]49. **Temporary permission to enter and consequences of non-observance of conditions of such permission.**— (1) The [District Magistrate] Commissioner, by order in writing, permit any person, in respect of whom an order under section [42]41, section [43]42 or section [44]43 has been made, to return to Goa or any part thereof, from which he was directed to remove himself, for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observance of the conditions imposed.

(2) The [District Magistrate] Commissioner may at any time revoke any such permission.

(3) Any person who with such permission returns to Goa or any part thereof shall observe the conditions imposed and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside Goa or any part thereof, as the case may be, and shall not return thereto within the unexpired portion of the period specified in the original order made without a fresh permission.

(4). If such person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to Goa or any part thereof as the case may be, without fresh permission, the [District Magistrate] Commissioner may cause him to be arrested and remove in police custody to such place outside Goa or part thereof as the [District Magistrate] Commissioner may in each case specify.

[51]50. **Taking measurements and photographs, etc. of person against whom an order under section [42]41, [43]42 or [44]43 is made.**— Every person against whom an order has been made under sections [42]41, [43]42 or [44]43 shall if so required by the [Inspector General of Police] Commissioner of Police, allow his measurements and photographs to be taken by a Police Officer in the prescribed manner.

[52]51. **Resistance to the taking of measurements, etc.**— (1) If any person as aforesaid when required to allow his measurements or photographs to be taken resists or refuses to allow the

taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.

(2) Resistance to or refusal to allow the taking of measurements or photographs under this Act shall be deemed to be an offence under section 186 of the Indian Penal Code (Central Act 45 of 1860).

(3) Where an order under sections [42]41, [43]42 or [44]43 is set aside in appeal, all measurements and photographs (including negatives) taken shall be destroyed or made over to the person against whom such order is made.

[53]52. **Banning use of dress etc. resembling uniform of armed forces.**— (1) If the Government, is satisfied that the wearing in public, by any member of any body, or association or organisation, of any dress or article of apparel resembling any uniform required to be worn by a member of the Armed Forces of the Union or by a member of any Police Force or of any force, constituted by or under any law for the time being in force, is likely to prejudice the security of the State or the maintenance of public order, it may by a general or special order prohibit or restrict the wearing, or display in public of any such dress or article of apparel by any member of such body or association or organisation.

(2) Every general or special order under sub-section (1) shall be published in the prescribed manner.

Explanation:— For the purpose of this section a dress or an article of apparel shall be deemed to be worn or displayed in public if it is worn or displayed in any place to which the public have access.

[54]53. **Constitution of Defence Societies.**— (1) For the protection of persons, the security of property and the public safety in any locality, the [Inspector General of Police] Commissioner of Police may constitute voluntary bodies (hereinafter in this section referred to as 'Defence Societies') in the prescribed manner.

(2) The [Inspector General of Police] Commissioner of Police or any Officer of a Defence Society may at any time call up officers subordinate to him or any member of a Defence Society for training or to discharge any of the duties under this Act assigned to them.

(3) Every Officer or a member of a Defence Society shall—

(a) on appointment receive a certificate in such form as may be specified or approved by the Government in this behalf; and

(b) when called up for duty have the same powers, privileges and protection as are vested in a Police Officer appointed under this Act.

(4) Notwithstanding anything contained in any law for the time being in force, an officer or a member of a Defence Society shall not be disqualified for being chosen as, or for being, a member of—

(a) the Goa Legislative Assembly or a Municipal Council or Village Panchayat, or

(b) any other local authority, by reason of the fact that he is a member or officer of such society.

CHAPTER - VI

Executive Duties and Powers of Police Officers

[55]54. **Duty of Police Officer to enforce provisions of the Act.** — (1) It shall be the duty of every police officer to ensure compliances with the provisions of this Act or any rule, regulation or order made thereunder and for the purpose such police officer may,—

(a) warn persons who from ignorance fail to comply with any provision of this Act or any rule, regulation or order made thereunder;

(b) require any person acting or about to act contrary to any provision of this Act or rule, regulation or order made thereunder, to desist from so doing;

(c) subject to the provisions of sub-sections (2) and (3), arrest any person contravening any provision of the Act or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Act;

(d) seize any object used, or about to be used, in contravening, or in contravention of, the provisions of this Act or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Act.

(2) A Police Officer shall not arrest any person under clause (c) of sub-section (1) without a warrant issued by a Magistrate unless such person—

(a) has contravened any regulation made under clause (b) of sub-section (1) of section [25]24;

(b) has contravened any order or notification made under section [26]25, sub-section (1) of section [27]26, section [29]28, section [43]42, section [44]43 or sub-section (1) of section [53]52;

(c) commits in the presence of such Police Officer an offence punishable under section [92]91, or section [100]99;

(d) has committed, or is reasonably suspected to have committed, an offence punishable under section [85]84 in relation to any dwelling house, private premises or any other land or ground attached thereto;

Provided that the person in possession or having charge of that dwelling house, private premises or land or ground complaints of the commission of such offence;

(e) commits in his presence in any street or public place any non-cognizable offence punishable under this Act or any rule or regulation made thereunder if such person—

(i) after being warned by the police officer persists in committing such offence; or

(ii) refuses to accompany the police officer to a police station on being required so to do.

(3) The [Inspector General of Police] Commissioner of Police or any other police officer especially empowered in this behalf by the [Inspector General of Police] Commissioner of Police may arrest without a warrant issued by a Magistrate any person who has committed an offence punishable under section [87]86.

[56]55. **Other duties of a Police Officer.**— It shall be the duty of every police officer—

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by the competent authority or a Court and to comply with all lawful commands of his superior;

(b) to the best of his ability, to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences and to lay such information and to take such other steps consistent with law and with the orders of his superiors as shall be best calculated to bring offenders to justice and to prevent the commission of cognizable and, within his view, of non cognizable offences;

(c) to prevent to the best of his ability the commission of public nuisances;

(d) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(e) to aid any other Police Officer when called upon by such officer or in the case of need in the discharge of the duty of such Police Officer, in such ways as would be lawful and reasonable on the part of the officer aided;

(f) to prevent the breach of public peace;

(g) to afford every assistance within his power to disabled or helpless persons in the streets;

(h) to take charge of intoxicated persons and of lunatics at large, who appear dangerous or incapable of taking care of themselves;

(i) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and whilst guarding or conducting any such person to have due regard to his condition;

(j) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody.

(k) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(l) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness.

(m) to use his best endeavours to prevent any loss or damage by fire;

(n) to use his best endeavours to avert any accident or danger to public;

(o) to regulate and control the traffic in the streets to prevent obstructions therein and to the best of his ability, to prevent the contravention of any rule, regulation or order made under this Act or any other law in force for observance by the public in or near the streets;

(p) to keep order in the streets and within public bathing and washing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship;

(q) to regulate entry to public bathing and washing places and all other places of public resort, to prevent over-crowding there and to the best of his ability, to prevent the contravention of any regulation or order lawfully made for observance by the public at such place; and

(r) to discharge such other duties as are imposed upon him by any law for the time being in force;

[57]56. **Power to enter places of public resort.**— Subject to the provisions of this Act and the rules, regulations and orders made thereunder, every Police Officer may, for the purpose of discharging any of the duties referred to in section [55]54 or section [56]55 enter without a warrant and inspect any place of public resort which he has reason to believe is used as a place for the storing, sale or consumption of intoxicating drinks or narcotics or a place for resort of loose and disorderly characters.

[58]57. **Power to search suspected persons in streets, etc.**— When in a street or a place of public resort a person is in possession or suspected to be in possession of any article which a police officer in good faith suspects to be stolen property, such police officer may search such person and may require an account in relation to any article found in his possession and should the account given by the possessor be manifestly false or suspicious, may detain such article giving to the possessor receipt in the prescribed form and report the facts to a Magistrate who shall thereupon proceed according to the provisions of section 457, 458, and 459 of the Code of Criminal Procedure, 1973 (Central Act 10 of 1974).

[59]58. **Superior Police Officer may himself perform duties imposed on Subordinate Officer.**— A Police Officer of a rank superior to that of a constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in case of any duty imposed on such subordinate, a superior may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

[60]59. **Persons bound to comply with the reasonable direction of Police Officer.**— (1) All persons shall be bound to comply with the reasonable directions given by police officer in the discharge of his duty under this Act.

(2) Where any person resists, refuses or fails to comply with any direction referred to in sub-section (1) a police officer, may without prejudice to any other action that he may take under any other provision of this Act or any other law for the time being in force, remove such person and either produce him before Magistrate or, in trivial cases, release him when the occasion which necessitated the removal has ceased to exist:

Provided that the person so removed shall in all cases be produced before a Magistrate or released as the case may be, within a period of 24 hours of such removal.

CHAPTER - VII

Powers in relation to Unclaimed Property

[61]60. **Police to take charge of unclaimed property.**— (1) It shall be the duty of every Police Officer to take temporary charge—

(a) of all unclaimed property found by, or made over, to him; and

(b) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or fails to do so.

(2) The Police Officer taking charge of the property under sub-section (1) shall furnish an inventory thereof to the District Magistrate forthwith.

[62]61. **Procedure for disposal of property taken charge of under section [61]60.**— (1) Where any property has been taken charge of under sub-section (1) of section [61]60, the [District Magistrate] Commissioner shall issue a proclamation specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer whom he authorises in this behalf and establish his claim within [six] three months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or consists of livestock or if the property appears to be of the value of [fifty] five hundred rupees, it may forthwith be sold by auction under the orders of the [District Magistrate] Commissioner and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

(3) Where any person who has a claim to the property is required by the proclamation under sub-section (1) to appear before the other officer authorised by the [District Magistrate] Commissioner in that behalf and establish his claim, such officer shall forward the record of the proceedings before him with his findings thereon to the [District Magistrate] Commissioner.

[63]62. **Delivery of property to person entitled.**— (1) The [District Magistrate] Commissioner on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section [62]61 order the same to be delivered to him, after deduction or payment of the expenses incurred by the Police in the seizure and detention thereof.

(2) The [District Magistrate] Commissioner may, at his discretion, before making any order under sub-section (1) take such security as he may think proper from the person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may be delivered pursuant to such order.

[64]63. **In default of Claim, Property to be at disposal of Government.** — (1) If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under sub-section (2) of section [62]61, may be sold by auction under the orders of the [District Magistrate] Commissioner and the proceeds thereof shall be credited to the Government.

(2) If any claim is made to any proceeds credited under sub-section (1) to the Government and if such claim is established, whether wholly or to any extent, to the satisfaction of the [District Magistrate] Commissioner, the Government shall pay to the claimant the amount determined in that behalf by the [District Magistrate] Commissioner.

(3) The form and manner in which claims may be made under sub-section (2) and the procedure for dealing with such claims and all other matters connected therewith shall be such as may be prescribed.

CHAPTER VIII

Offences

[65]64. **Disregarding the rules of the road.**— No person shall —

(a) when driving a vehicle along a street (except in cases of actual necessity or of some other sufficient reason for deviation) fail to keep on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle; or

(b) leave in any street or public place insufficiently tended or secured any animal or vehicle.

[66]65. **Causing obstruction or mischief by animal.**— No person shall cause obstruction, damage, injury, danger, alarm, or mischief in any street or public place —

(i) by misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle; or

(ii) by driving any vehicle or animal laden with timber poles or other unwieldy articles through a street or public place contrary to any regulation made in that behalf.

[67]66. **Exposing animal for hire, sale, etc.**— No person shall in any street or in public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle or clean or groom any

[horse or other] animal except at such times and places as the competent authority permits, or shall train or break in any [horse or other] animal or any vehicle or any part of a vehicle or (except when as a result of any accident repairing on the spot is unavoidable) repair any vehicle or part of a vehicle, or carry on therein any manufacture or operation so as to be [a serious] an impediment to traffic or [serious] annoyance to residents in the vicinity or to the public.

[68]67. **Causing any obstruction in a street.**— No person shall cause obstruction in any street or public place —

(a) by allowing any animal or vehicle, which has to be loaded or unloaded, or take up or set down passengers, to remain or stand in the street or the public place longer than may be necessary for such purpose; or

(b) by leaving any vehicle standing or fastening any cattle in the street or the public place; or

(c) by using any part of a street or public place as a halting place for vehicle or cattle; or

(d) by leaving any box, bale, package or other things whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation; or

(e) by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever; or

(f) by dumping any building material, mineral ore or mining rejects.

[69]68. **Obstructing a footway.**— No person shall drive, ride, load, propel or use the footway for hawking, or leave on any footway any animal or vehicle other than a perambulator or fasten any animal in such a way that the animal can stand across or upon such footway.

[70]69. **Causing obstruction and annoyance by performances, etc.**— No person shall, in contravention of any regulation made under this Act, —

(a) exhibit any mimetic, musical or other performances of such a nature as may attract crowds; or

(b) carry or place bulky advertisements, pictures, figures or emblems in any street or public place,

whereby any obstruction to passengers or annoyance to the residents in the vicinity may be occasioned.

[71]70. **Doing offensive acts in or near a street or public place.**— No person shall slaughter any animal, clean a carcass or hide, or bath, or wash his person in or near to and within sight of a street or public place, except at the place set apart for the purpose, so as to cause annoyance to the neighbouring residents or to passers-by.

[72]71. Letting loose [horse] animals, etc. and suffering ferocious dogs to be at large.— No person shall in any street or public place —

(a) negligently let loose any [horse or other] animal, so as to cause danger, injury, alarm or annoyance, or

(b) suffer a ferocious dog to be at large without a muzzle, or

(c) set on or urge a dog or other animal to attack, worry or put in fear any person or [horse or other] any animal.

[73]72. Bathing or washing in places not set apart for those purposes.— No person shall bath or wash in, or by the side of, a public well, tank or reservoir not set apart for such purpose by order of the competent authority, or in, or by the side of, any pond, pool, aqueduct, a part of a river, stream, nullah or other source or means of water supply in which such bathing or washing is forbidden by order of the competent authority.

[74]73. Defiling water in public wells, etc.— No person shall defile or cause to be defiled the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nullah or other source or means of water supply, so as to render the same less fit for any purpose for which it is set apart by the order of the competent authority.

[75]74. Obstructing bathers.— No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the orders of the competent authority under section [88]72 by wilful intrusion or by using such place for any purpose for which it is not so set apart.

[76]75. Behaving indecently in public.— No person shall wilfully and indecently expose his person in any street or public place or place of public resort or within sight of, and in such manner as to be seen from, any street or public place or public resort whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or public place or place of public resort or in any office, police station or station house.

[77]76. Obstructing or annoying passengers in the street.— No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or animals or cattle or otherwise, disturb the public peace or order.

[78]77. Misbehaviour with intent to provoke a breach of [the] peace.— No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

[79]78. Prohibition against [Flying kites] Firing crackers, etc.— No person shall [fly a kite] fire crackers or any other thing so as to cause danger, injury, [or] alarm or annoyance to persons, animals or property.

[80]79. Committing nuisance in or near street, etc.— No person shall in or near to any street, public place or place of public resort —

(a) commit a nuisance by easing himself; or

(b) having the care or custody of any child under seven years of age, suffer such child to commit a nuisance as aforesaid; or

[(c) spit or throw any dust, ashes, refuses so as to cause annoyance to any passer by.]

(c) spit, throw any dust, ashes, refuse, rubbish or garbage or allow any rubbish or garbage to accumulate in any such place adjacent to or appended to his own property;

so as to cause annoyance to any passer-by

[81]80. Disregard of notice in public building.— No person shall, in any court, police station, police office or building occupied by Government or building occupied by any local body, spit or smoke, in contravention of a notice, by the authority in charge of such place, displayed in such court, police station, police office or any public building.

[82]81. Penalties for offences under sections [65]64 to [81]80.— Any person who contravenes any of the provision of sections [65 to 81] 64 to 80 (both inclusive) shall, on conviction, be punished with fine which [may extend to one] shall not be less than five hundred rupees, or, in default of payment of such fine, with imprisonment for a term not exceeding eight days.

[83]82. Penalty for failure to keep in confinement cattle, etc.— (1) Whoever allows any cattle which are his property or in his charge to stray in any street or to trespass upon any public or private property shall on conviction be punished—

(a) for the first offence, with imprisonment for a term which may extend to one month, or with fine which shall not be less than one hundred rupees and which may extend to [three] five hundred rupees, or with both; and

(b) for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which shall not be less than two hundred rupees and which may extend to five hundred rupees, or with both.

(2) The Magistrate trying an offence under sub-section (1) may order —

(a) that the accused shall pay such compensation [not exceeding two hundred and fifty rupees] as such Magistrate considers reasonable to any person for any damage proved to have been caused to his property or the produce of his land by the cattle under the control of the accused trespassing on his land; and

(b) that the cattle in respect of which the offence has been committed shall be forfeited to the Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) It shall be the duty of every police officer and it shall be lawful for any other person to seize and take to any cattle pound for confinement therein any cattle found straying in any street or trespassing upon any private or public property.

(5) Any fine imposed under the section may, without prejudice to any other means of recovery provided by law be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the offence punishable under this section shall be cognizable.

[84]83. **Punishment for Cruelty to animals.** — Whoever in any place cruelly beats, goads, overworks, ill-treats or tortures or causes; or procures to be cruelly beaten, goaded, overworked, ill-treated or tortured, any animal shall, on conviction be punished with imprisonment which may extend to one month, or with fine which [may extend to] shall not be less than two hundred rupees, and may extend to five hundred rupees, or with both.

[85]84. **Wilful Trespass.** — Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or land or ground attached thereto, or on any ground, building, monument, or structure belonging to Government or used for public purposes, or on any vehicle shall, on conviction, whether he caused any actual damage or not, be punished with imprisonment which may extend to seven days or with fine which [may extend to one] shall not be less than five hundred rupees, or with both.

[86]85. **False alarm of fire or damage to fire alarm.** — Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of the Government or to any officer or fireman thereof, whether by means of a street fire alarm, statement, message or otherwise or with intent to give such false alarm wilfully breaks the glass of, or otherwise damages, a street fire alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which [may extend to one] shall not be less than two hundred rupees, or with both.

[87]86. **Being found under suspicious circumstances within sunset and sunrise.** — Whoever is found [between sunset and sunrise] between 22.00 hrs. and 05.00 hrs. —

(a) armed with any dangerous instruments with intent to commit an offence; or

(b) having his face covered, or otherwise disguised with intent to commit an offence; or

(c) in any dwelling house or other building, or on any vehicle, without being able satisfactorily to account for his presence there; or

(d) lying or loitering in any street, yard or other place, [being a reputed thief and] without being able to give a satisfactory account of himself; or

(e) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house breaking

shall, on conviction, be punished with imprisonment for a term which may extend to three months.

[88]87. **Possession of property of which no satisfactory account can be given.** — Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Judicial Magistrate, First Class, on conviction be punished with imprisonment for a term which may extend to three months or with the fine which may extend to (one) Five hundred rupees, or with both.

[89]88. **Omission by pawn-brokers, etc., to report to Police possession or tender of property [suspended] suspected to be stolen.** — Whoever being a pawn-broker, dealer in second hand property, or worker in metals, or reasonably believed by the [Inspector General of Police] Commissioner to be such a person, and having received from a police officer written or printed information in relation to any property suspected to have been transferred by an offence mentioned in section 410 of the Indian Penal Code, 1860 (Central Act 45 of 1860), or by an offence punishable under section 417, section 418, and section 419 or section 420 of the said Code, is found in possession, or, after the receipt of such information, comes into possession or has an offer, either by way of sale, pawn, exchange, or for custody alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless—

(i) he forthwith gives information to the [Inspector General of Police] Commissioner, or at a police station of such possession or offers and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(ii) the property being an article of common wearing apparel or otherwise, is incapable of identification from the written or printed information given and has been in no way concealed after the receipt of such information, on conviction, be punished with fine which may extend to [fifty] five hundred rupees in respect of each such article of property so in his possession or offered to him.

[90]89. **Melting, etc., of property referred to in Section [89]88.** — Whoever having received such information as is referred to in section [89]88 alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away, without the previous permission of the police, any such property as is referred to in that section shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, 1860 (Central Act 45 of 1860) or property in respect of which any offence punishable under section 417, section 418, section 419 or section 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years or with fine, or with both.

[91]90. **Taking pledge from child.** — Whoever takes from any child not appearing to be above the age of fourteen years, any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which shall not be less than five hundred rupees and may extend to [one hundred] one thousand rupees.

[92]91. **Suffering disorderly conduct at places of public amusement, etc.,** — Whoever, being the keeper of any place of public amusement or public entertainment, knowingly permits or suffers drunkenness or other disorderly behaviour or any gambling whatsoever, in such place, shall, on conviction, be punished with fine which shall not be less than two hundred rupees and which may extend to [one hundred] five hundred rupees.

[93]92. **Cheating at games and gambling in streets.** — (1) Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game or in taking part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any games, sports, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable things, shall be deemed to have committed the offence of cheating within the meaning of section 415 of Indian Penal Code, 1860 (Central Act 45 of 1860) and be liable to punishment accordingly.

(2) Whoever assembles with others, or joins any assembly, in a street assembled for the purpose of gambling or wagering shall, on conviction, be punished with fine which shall not be less than two hundred rupees and may extend to [fifty] five hundred rupees [or may be released after a due admonition.]

[94]93. **Penalty for disobedience to order under section [24]23.** — Whoever contravenes, disobeys, opposes or fails to confirm to any order under section [24]23 requiring him to vacate any premises, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which shall not be less than two hundred rupees and may extend to five hundred rupees or with both.

[95]94. **Penalty for contravening regulations, etc., under section [25]24.** — Whoever contravene or abets the contravention of any regulation made under section [25]24 or any of the conditions of a licence under such regulations, shall, on conviction, be punished—

[(a) if the regulation was made under clause (b) of sub-section (1) of section [25]24 providing for the prohibition of the sale, or exposure for sale, of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public,—

(i) for the first offence, with imprisonment for a term which may extend to one month, or with fine which shall not be less than one hundred rupees and may extend to two hundred rupees, or with both, and

(ii) for any subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees;]

[(b)] (a) if the regulation was made under clause (d), (h), (i) or (j) sub-clause (i) or (ii) of clause (p) or clause (v) of sub-section (1) of section [25]24 with imprisonment for a term which may extend to eight days, or with fine which shall not be less than [may extend to] fifty rupees, or with both;

[(c)] (b) if the regulation was made under clause (m) of sub-section (1) of section [25]24, with fine which shall not be less than two hundred rupees; [may extend to two hundred rupees;] and

[(d)] (c) if the regulation was under any clause of sub-section (1) of section [25]24 and for the contravention of which no penalty is provided under clause (a), [(b)] or [(c)] (b) of this section, with fine which shall not be less than [may extend to fifty] two hundred rupees.

[96]95. **Penalties for contravention of orders, etc., under sections [26, 27, 28, 29, 30 and 31] 25, 26, 27, 28, 29, and 30.** — (1) Whoever contravenes, disobeys, opposes or fails to confirm to any order given by a police officer under section [26]25, shall, on conviction, be punished with fine which [may extend to] shall not be less than two hundred rupees.

(2) Whoever contravenes a notification or an order made under section [27]26, section [29]28, section [30]29 or section [31]30 or abets the contravention thereof shall, on conviction be punished,—

(a) if the said notification or order was made under sub-section (1) of section [27]26 or under section [30]29 or section [31]30, with imprisonment for a term which shall not be less than four months but which may extend to one year, and shall also be liable to fine;

Provided that the Court may, for adequate and sufficient reasons to be mentioned in the judgement impose a sentence of imprisonment for a term of less than four months;

(b) if the said order was made under [sub-section (2) of] section [27]23, with imprisonment for a term which may extend to one month, or with fine which shall not be less than two hundred rupees and may extend to [one] five hundred rupees, or with both;

(c) if the said order was made under section [29]30, with imprisonment for a term which may extend to [three] one month, or with fine which shall not be less than two hundred rupees and may extend to five hundred rupees, or with both.

(3) Whoever opposes or fails to conform to any direction given by a police officer under section [28]27, shall on conviction, be punished with fine which shall not be less than [may extend to] two hundred rupees.

[97]96. **Penalty for contravention of regulations, etc., made under sections [32]31 and [33]32.** — Whoever contravenes, or abets the contravention of, any regulation, notice or order made under section [32]31, or section [33]32, shall on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

[98]97. **Penalty for contravention of directions under sections [42, 43 or 44] 41, 42 or 43.** — Whoever opposes or fails to conform to any direction issued under section [42]41, section [43]42 or section [44]43 or abets the opposition to, or the failure to conform to, any such direction shall, on conviction, be punished with imprisonment which shall not be less than four months but which may extend to one year and shall also be liable to fine.

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than four months.

[99]98. **Penalty for entering without permission area from which a person is directed to remove himself or overstaying when permitted to return temporarily.** — Without prejudice to the power to arrest and remove a person in the circumstances, and in the manner provided in section [53]49, any person who—

(a) in contravention of a direction issued to him under section [46]42, section [47]43, or section [48]44 enters or returns without permission to Goa or any part thereof, as the case may be, from which he was directed to remove himself; or

(b) enters or returns to Goa or any part thereof with permission granted under sub-section (1) of section [50]49, but fails, contrary to the provisions thereof, to remove himself outside such area at the expiry of the temporary period for which he was permitted to enter or return or on the earlier revocation of such permission, or having removed himself at the expiry of such temporary period or on revocation of the permission, enters or returns thereafter without fresh permission,

shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to two years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than six months.

[100]99. **Penalty for contravention of orders under section [53]52.** — Whoever contravenes any order made under section [53]52 shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

[101]100. **Penalty for opposing or not complying with direction given under clause (b) of sub-section (1) of section [55]54.** — Whoever opposes or fails forthwith to comply with any reasonable requisition made by a police officer under clause (b) of sub-section (1) of section [53]54, or abets the opposition thereto or failure to comply therewith shall, on conviction, be punished with imprisonment for a term which shall not be less than four months but which may extend to one year and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than four months.

[102]101. **Penalty for contravening directions under section [60]59.** — Whoever opposes or fails to conform to any direction given by any police officer under section [60]59 or abets the opposition or failure to conform to such direction shall, on conviction, be punished with fine which shall not be less than two hundred rupees [may extend to fifty rupees.]

[103]102. **Dangerous performances.** — (1) No person shall without the previous permission of the [Inspector General of Police] Commissioner of Police and except in accordance with any conditions subject to which such permission is granted, hold or give, in any place which is likely to cause an assembly of persons, any performance in which or during which he buries himself underground or seals himself in any room or receptacle

or other thing in such manner as to prevent all access of air to him and for such time as would ordinarily result in death by suffocation.

(2) If any person contravenes or attempts to contravene the provisions of sub-section (1), he shall, on conviction, be punished with imprisonment for a term which may extend to one year with fine, or with both.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the offence punishable under this section shall be cognizable.

[104]103. **Negligent or refusal to serve as [Special] Honorary Police Officer.** — (1) Any person who having been appointed to be a [Special] Honorary Police Officer under section 17, without sufficient cause, neglects or refuses to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties as such [special] honorary police officer, shall, on conviction, be punished with fine which shall not be less than two hundred rupees. [may extend to fifty rupees.]

(2) Such punishment shall automatically cancel the certificate of appointment of such a special police officer.

[105]104. **Penalty for making false statement, etc., and for misconduct of Police Officers.** — (a) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police officer, or

(b) any police officer who—

(i) is guilty of cowardice, or

(ii) being a police officer of subordinate rank, resigns his office or withdraws himself from duties thereof in contravention of section [22]21, or

(iii) is guilty of any wilful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey, or

(iv) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which [may extend to one] shall not be less than two hundred rupees, or with both.

Explanation. — A Police Officer who being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave, for the purpose of sub-clause (ii) of clause (b), be deemed to withdraw himself from the duties of his office within the meaning of section [22]21.

[106] 105. **Penalty for failure to [deliver up] return certificate of appointment or other article.** — Any Police Officer, who wilfully neglects or refuses to [deliver up] return his certificate of appointment or of office or any other article, in accordance with the provisions of sub-section (1) of section [23]22 shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to [two] Five hundred rupees, or with both.

[107]106. **Vexatious entry, search, arrest, etc., by Police Officer.**— Any Police Officer who —

(a) without [wilful] lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or

(b) vexatiously and unnecessarily seizes the property of any person; or

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) [offers] commits any unnecessary personal violence to any person in his custody; or

(e) holds out any threat or promise not warranted by law,

shall, for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which shall not be less than [may extend to] five hundred rupees, or with both.

[108]107. **Penalty for delay in forwarding a person arrested.**— Any Police Officer who vexatiously and unnecessarily delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which shall not be less than [may extend to] five hundred rupees, or with both.

[109]108. **Penalty for unauthorised use of Police uniforms.**— If any person not being a member of the Goa Police wears, without the permission of an officer authorised by the Government in this behalf by general or special order, the uniform of the police force or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction, be punished with fine which shall not be less than [may extend to] [two] Five hundred rupees.

[110]109. **Prosecution for certain offences against this Act to be in the discretion of Police.**— It shall not, except in obedience to a rule, regulation or order made by the Government or by the [Inspector General of Police] Commissioner of Police, be incumbent on the Police to prosecute for an offence punishable under section [92]91, section [97]96, section [107]106 when such offence has not occasioned serious mischief and has been promptly desisted from on a warning being given.

[111]110. **Summary disposal of certain cases.**— (1) A Court taking cognizance of an offence punishable under section [92]91, may state upon the summons to be served on the accused person that he may, by a specified date, prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court [such] a sum of two [not exceeding one] hundred rupees, [as the court may specify.]

(2) Where an accused person pleads guilty and remits the sum specified in the summons, under sub-section (1), no further proceedings in respect of the offence shall be taken against him.

[112]111. **Prosecution for offences under other enactments not affected.**— Subject to the provisions contained in section 300

of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other law for anything made punishable by this Act or from being prosecuted and punished under this Act for anything made punishable under any other law.

[113]112. **Offences by companies.**— (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section:

(a) “company” means a body corporate, and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

113. Composition of Offences.— (1) any offence punishable under this Act may, either before or after institution of the prosecution, be compounded by such officers or authorities and for such amount as the Government may, by notification in the Official Gazette, specify in this behalf.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence.

CHAPTER IX

Auxiliary Police Force

114. Auxiliary Police Force.— (1) The Commissioner may, with the approval of the Government, authorise the creation of an Auxiliary Police Force within the limits of any specified area owned by or under the jurisdiction or control of the Government or of any company, statutory body or other organisation, as the case may be, for the purpose of safeguarding life and property within such area.

(2) The Commissioner may, in his discretion, confer the powers of a police upon one or more suitable persons who are employed

by the Government or, after such consultation with the employer as he considers necessary, by any company, statutory body or other organisation, in work of a nature which, in the opinion of the Commissioner, renders the conferment of such powers necessary or desirable, and every such person shall be known as an auxiliary police officer and shall carry a warrant of appointment issued by the Commissioner.

(3) The members of every Auxiliary Police Force shall be auxiliary police officers and shall be organised in ranks similar to those of the Police Force, and shall be subject to the authority of the Commissioner for the maintenance of law and order, the preservation of public peace and the prevention and detection of crime within the limits of the respective areas each Auxiliary Police Force and to such extent outside the limits of such areas as the Commissioner may decide.

(4) Every auxiliary police officer shall have the powers, protection and immunities of a police officer or corresponding rank within the area under the jurisdiction of the Auxiliary Police Force of which he is a member and to such extent outside the limits of such area as the Commissioner may decide.

Provided that he shall also have such powers, protection and immunities outside such area when pursuing or in charge of any person who has committed, or is suspected of having committed, an offence within the limits of that area or within his view outside that area.

(5) The Commissioner may, after consultation with the company, statutory body or other organisation employing an Auxiliary Police Force, depute one or more police officers for service with such Auxiliary Police Force, and the salaries and allowances of those police officers shall be paid by the company, statutory body or other organisation.

(6) The pay pensions and conditions of service of every auxiliary police officer and his day to day duties shall be matters entirely within the jurisdiction of the Government, if he is employed by the Government, or of the company, statutory body or other organisation employing him, and standard arms, ammunition and other accoutrements shall be provided at the expense of the Government or of such company, statutory body or organisation, as the case may be.

(7) Upon the dismissal of any auxiliary police officer by the Government or by any company, statutory body or other organisation employing him, as the case may be, the Commissioner shall cancel the warrant of appointment of such auxiliary police officer, who shall thereupon cease to be an auxiliary police officer.

(8) Upon the resignation of any auxiliary police officer from the service of the Government or of any company, statutory body or other organisation, as the case may be, the auxiliary police shall surrender his warrant of appointment to the Commissioner, and shall thereupon cease to be an auxiliary police officer.

(9) Notwithstanding subsections (7) and (8), the Commissioner may, after prior notice to the employer of the Auxiliary Police Force concerned, in his discretion cancel at any time the warrant of appointment issued to any auxiliary police officer, who shall thereupon cease to be an auxiliary police officer.

(10) The Government may make regulations to be called the Auxiliary Police Regulations to carry out the purposes of this section, and within prejudice to the generality of the foregoing powers, such regulations may provide for—

- (a) schemes of training;
- (b) appointments and promotions;
- (c) discipline and punishment;
- (d) uniform and equipment; and
- (e) arms and ammunition to be carried.

(11) Any act done or omitted to be done by any auxiliary police officer employed by any company, statutory body or other organisation shall be deemed to be an act done or omitted to be done in the course of his employment with such company, statutory body or other organisation, as the case may be, and the Government shall not be liable for any act done or omitted to be done by any auxiliary police officer who is not employed by the Government.

CHAPTER [IX] X

Miscellaneous

[114]115. Disposal of fees, rewards, etc.— All fees paid for licence or permission granted under this Act, and all sums paid for the service of processes by Police Officers and all rewards, forfeitures and penalties or shares thereof, which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment for the time being in force to any local authority be credited to the Government:

Provided that with the sanction of the Government or under any rule made by the Government in that behalf the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to the Police Officer or be divided amongst two or more Police Officers.

[115]116. Method of proving orders and notifications.— Any order or notification published or issued by the Government or by the [Inspector General of Police] Commissioner of Police or any other Police Officer or any other Officer or authority under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of copy thereof signed by an Officer of the Government or [Inspector General of Police] Commissioner of Police or other Officer, as the case may be.

[116]117. Rules, regulations or orders not invalidated by defect of form or irregularity in procedure.— No rule, regulation, order, direction, adjudication, inquiry or notification made or published and no act done under any provision of this Act or any rule or regulation made under this Act, or in substantial conformity with the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

[117]118. Presumption in prosecutions for contravention of offence under sections [42, 43 or 44] 41, 42 or 43.— In prosecution for an offence for the contravention of an order made under section [42]41, section [43]42 or section [44]43 on the production of an authentic copy of the order, it shall, until the contrary is proved by the accused, be presumed —

(a) that the order was made by the competent authority under this Act;

(b) that the authority making the order was satisfied that the ground on, or the purpose for, which it was made existed, and that it was necessary to make the same and,

(c) that the order was otherwise valid and in conformity with the provision of this Act.

[118]119. Forfeiture of bond entered into by person under sub-section (1) of section [50]49.— If any person permitted to enter or return to the area from which he was directed to remove himself under sub-section (1) of section [50]49, fails to observe any condition imposed under that sub-section or by the bond executed by him thereunder, his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the court why such penalty should not be paid.

[119]120. No Police Officer shall be liable to penalty or damage for act done in good faith in pursuance of duty.— No Police Officer shall be liable to any penalty or to payment of any damages on account of any act done in good faith in pursuance of or purported to be done in pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, regulation, order or direction made or given thereunder.

[120]121. No public servant liable for giving effect in good faith to any rule, regulation, order or direction issued with apparent authority.— No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to —

(a) any order or direction issued with apparent authority by the Government or by a person empowered in that behalf under this Act; or

(b) any rule or regulation made under this Act.

Explanation.— In this section, the expression “Public Servant” has the meaning assigned to it in section 21 of the Indian Penal Code, 1860.

[121]122. Bar to suits and prosecutions.— (1) In any case of alleged offence by a police officer or other person, or of a wrong alleged to have been done by such police officer or other person, by any act done under colour of duty or in excess of any such duty or authority, or wherein it shall appear to the court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained and if entertained shall be dismissed if it is instituted, more than three months after the act complained of:

Provided that any such prosecution against a Police Officer or other person may be entertained by the Court, if instituted with the previous sanction of the Government.

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall give to the alleged wrong doer not less than one month's notice of the intended suit with sufficient description of the wrong complained of, and if no such notice has been given before the institution of the suit, it shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service and shall state what tender of amends, if any, has been made by the defendant and a copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

[122]123. Licences and written permissions to specify conditions, etc.— (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted.

(2) Any licence or written permission granted under this Act may at any time be suspended, or revoked by the competent authority if any of its conditions or restrictions are infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence with respect to any matter to which such licence or permission relates.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

(4) Every person to whom any such licence or written permission has been granted shall, while the same remains in force, at all reasonable times, produce the same, if so required by a Police Officer.

Explanation.— For the purpose of this section any such infringement or evasion by a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion or, as the case may be, by the person to whom such licence or written permission has been granted.

[123]124. Public notices how to be given.— Any notification which may be publicly promulgated, public notice required to be given, order required to be notified publicly or proclamation required to be issued under any of the provisions of this Act, shall be in writing under the signature of an authority competent to issue and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, [or by proclaiming the same with beat of drums] or by advertising the same in such local newspapers in Hindi, English, Konkani and Marathi, as such authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

[124]125. Consent etc. may be proved by writing under its signature.— Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of an au-

thority, order signed by such authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

[125]126. **Signature on notices etc. may be stamped.**— Every licence, written permission, notice or other document, not being a summons or warrant or search warrant required by this Act or by any rule or regulation made thereunder, to bear the signature of the authority issuing it and shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

[126]127. **Power to make rules.**— (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) recruitment to, and the pay, allowances and all other conditions of service of the members of the police force under clause (b) of section 5;

(b) the purpose for which Honorary Police Officers may be appointed and manner of publication, under sub-section (2) of section 17 of the names of [special] honorary police officers appointed under that section;

(c) form of Discharge Certificate under section [22]21;

(d) determination of the cost of employing additional police under sub-section (2) of section [34]33;

(e) manner of taking measurements and photographs under section [51]50 of a person against whom an order has been made under section [42]41, section [43]42 or section [44]43;

(f) manner of constituting Defence Societies under sub-section (1) of section [54]53;

(g) form of receipts to be given in respect of any article detained under section [58]57;

(h) payment to any police officer or division among two or more police officers the whole or any portion of any reward, forfeiture or penalty under the proviso to section [114]115;

(i) any other matter which has to be, or may be, prescribed, or provided for by rules, under this Act.

[127]128. **Repeal**— (1) Any law in force in Goa, or any area thereof corresponding to any provision or any part thereof of this Act shall stand repealed as from the coming into force of this Act.

(2) Nothing in sub-section (1) shall affect —

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been made:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted, or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

LA/B/708/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 17-3-97 is hereby published for general information in pursuance of the provisions of Rule 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 20th March, 1997.

THE GOA INDUSTRIAL DEVELOPMENT (AMENDMENT) BILL, 1997

(Bill No. 1 of 1997)

A

BILL

to amend the Goa, Daman and Diu Industrial Development Act, 1965.

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa Industrial Development (Amendment) Act, 1997.

(2) It shall come into force at once.

2. **Amendment of preamble.**— In the Goa, Daman and Diu Industrial Development Act, 1965 (Act 22 of 1965) (hereinafter referred to as the "principal Act"), in the preamble and in other sections, for the expression "the Union territory of Goa, Daman and Diu", wherever it occurs, the expression "the State of Goa" shall be substituted.

3. **Amendment of section 1.**— In section 1 and in other sections of the principal Act, in the long and short title, the figure and words "Daman and Diu", wherever they occur, shall be omitted.

4. **Amendment of section 55.**— In section 55 of the principal Act,—

(i) for the expression "the Goa, Daman and Diu Municipalities Act", the expression "the Goa Municipalities Act" shall be substituted;

(ii) for the expression "the Goa, Daman and Diu Village Panchayats Regulation, 1962 (Regulation No. 9 of 1962)", the expression "the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994)" shall be substituted.

Statement of Objects and Reasons

In terms of section 3 of the Goa, Daman and Diu Industrial Development Act, 1965 (Act 22 of 1965), Government established

the Goa, Daman and Diu Industrial Development Corporation for the purposes of securing and assisting in the rapid and orderly establishment and organisation of industries in industrial areas and industrial estates in the then Union territory of Goa, Daman and Diu.

Now, on account of grant of Statehood to Goa vis-a-vis delinking of Daman and Diu, it is proposed to suitably amend the Act, 1965, so that the name of the said Corporation is now reflected as the Goa Industrial Development Corporation to bring it in conformity with the changed status of Goa.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
28th February, 1997.

LUIZINHO FALEIRO
Minister for Industries

Assembly Hall,
Panaji,
3rd March, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 1 of 1997)

The Goa Industrial Development (Amendment)

Bill, 1997

The Goa, Daman & Diu Industrial Development Act, 1965 (Act 22 of 1965)

A Bill to make special provision for securing the orderly establishment in industrial areas and industrial estates of industries in the Union Territory of Goa, Daman and Diu and to assist generally in the organisation thereof, and for that purpose to establish an Industrial Development Corporation, and for purposes connected with the matters aforesaid.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in, the Sixteenth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa, Daman and Diu Industrial Development Act, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

Section 55: Act to have overriding effect:— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969) and the Goa, Daman and Diu Village Panchayats Regulation 1962 (Regulation No. 9 of 1962).

Assembly Hall,
Panaji,
3rd March, 1997.

ASHOK B. ULMAN
Secretary to the Legislative Assembly
of Goa.

LA/B/711/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 17-3-97 is hereby published for general information in pursuance of the provision of Rule 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 20th March, 1997.

THE GOA MUNICIPALITIES (AMENDMENT) BILL, 1997

(Bill No. 6 of 1997)

A

BILL

further to amend the Goa Municipalities Act, 1968

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa Municipalities (Amendment) Act, 1997.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the 'principal Act'), in clause (33), after the words "serving under the Council", the following shall be inserted, namely:—

"and the classification of posts of officers or servants of Council as Group A, Group B, Group C and Group D posts will have the meaning as assigned by the Government for equivalent posts in Government Departments."

3. *Amendment of section 72.*— In section 72 of the principal Act, in the title thereof, after the words "certain other officers", the words "or servants of the Council" shall be inserted.

4. *Amendment of section 86.*— In sub-section (2) of section 86 of the principal Act, for clause (f), the following shall be substituted, namely:—

"(f) Pay and allowances to the officers and servants of the Council posted on deputation from Government Departments;"

5. *Amendment of section 88.*— In section 88 of the principal Act,—

(i) in the proviso to sub-section (3),—

(a) the expression "but not exceeding Rs. 40/- per sq. metre per month" shall be omitted;

(b) the expression "but not exceeding Rs. 20/- per sq. metre per month" shall be omitted;

(ii) for sub-section (4), the following shall be substituted, namely:—

"(4) If any person refuses or fails to vacate the municipal premises after expiry of lease period or for any other reason, the Chief Officer shall evict such person by giving him due notice. Any person aggrieved by the abovesaid action of the Chief Officer, may appeal to the Administrative Tribunal, Goa, within 15 days of such eviction and the order passed by the Administrative Tribunal, Goa, in appeal, shall be final."

6. *Amendment of section 108.*— In sub-section (1) of section 108 of the principal Act, for the existing proviso, the following shall be substituted, namely:—

"Provided that such increase or reduction shall be within the maximum and minimum limits fixed in respect of such tax under the rules."

Statement of Objects and Reasons

Clause (33) of section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) is proposed to be suitably amended for changing the classification of posts of Officers or servants so that these posts have been the same meaning as assigned by the Government for equivalent posts in the Government. It is proposed to amend the title of section 72 of the Act, 1968, so as to reflect the inclusion of lower class employees in the common cadre. Further, clause (f) of sub-section (2) of section 86 of the Act, 1968, is proposed to be amended so that the burden of payment of dearness allowances pertaining to Common Cadre Staff is borne by the Municipal Councils themselves.

It is proposed to amend the proviso to sub-section (3) of section 88 of the Act, 1968, so that only the minimum rate of rental is specified both in case of commercial establishment as well as residential establishment and the maximum rate of rental to be left for the Councils to be decided on case to case basis.

Further, sub-section (4) of section 88 of the Act, 1968, is proposed to be substituted so as to provide for eviction of persons refusing or failing to vacate municipal premises after expiry of lease period or for any other reason.

It is also proposed to substitute the existing proviso to sub-section (1) of section 108 of the Act, 1968, by new proviso in order to give more flexibility to the Municipal Councils to decide the quantum of increase or reduction in the taxes.

This bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
4th March, 1997.

Assembly Hall,
Panaji,
11th March, 1997.

DAYANAND NARVEKAR
Minister for Urban Development

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 6 of 1997)

The Goa Municipalities (Amendment) Bill, 1997

The Goa Municipalities Act, 1968
(Act 7 of 1969)

Section 2 (33) officer or servant of the Council means an officer or servant appointed by the Council or any other competent authority subordinate to it, and includes any Government Officer or servant who is for the time being serving under the Council:

Section 72. Appointment of Chief Officer, Engineer, Water Works Engineer, Health Officer, Auditor and certain other officers.— (1) There shall be a Chief Officer for every Council.

(2) A Council may, with the sanction of the Director, and if so required by the Government, shall, create all or any of the following posts, namely:—

- (i) a Municipal Engineer;
- (ii) a Water Works Engineer;
- (iii) a Municipal Health Officer;
- (iv) a Municipal Auditor;

Section 86 (2) The Government may under appropriation duly made in this behalf make such grants to every Council every year and subject to such terms and conditions and in such manner as it deem fit for all or any of the following purposes, namely:—

- (a) Water supply;
- (b) Drainage;
- (c) Primary and Secondary Education;
- (d) Development plan and town planning schemes under any law for the time being in force in the Union territory;
- (e) Dearness allowance to the officers and servants of the Council;
- (f) Pay and allowances to the officers belonging to the common cadre constituted under section 72;
- (g) Public health;
- (h) Fire brigade;
- (i) Construction and maintenance of roads;
- (j) and such other amenities as the Government may from time to time determine.

Such grants shall be credited to the municipal fund and applied for the purposes for which they are sanctioned.

88: *Provisions regarding transfer of municipal property.*— (1) No Council shall transfer any of its immovable property without the sanction of the Government.

(2) A proposal of such transfer shall be accompanied by a resolution of the Council passed at a meeting by a majority of not less than two-thirds of the total number of councillors and shall in no way be inconsistent with the rules made in this behalf by the Government.

88. (3) Notwithstanding anything contained in sub-section (1), a Council may lease its immovable property for a period not exceeding three years with appropriate annual rate of increase in rent and the lessee shall not be allowed to make any permanent constructions on such

immovable property. Such lease may be renewed by the Council beyond the period of three years with the permission of the Director, who shall decide the reasonability of annual increase in rentals before issuing permission for extending the lease period;

Provided that in respect of immovable property of a Council where the lease period has already expired and the leases are not renewed, the Council may renew the leases of such immovable properties at such rate of rental which shall not be less than Rs. 30/- per sq. metre per month but not exceeding Rs. 40/- per sq. metre per month in case of commercial establishment and shall not be less than Rs. 15/- per sq. metre per month but not exceeding Rs. 20/- per sq. metre per month in case of residential establishment, the reasonability of which shall be decided by the Director before issuing permission for extending the lease period.;

"(4) If any person refuses or fails to vacate the Municipal premises after expiry of lease period or for any other reason and after due notice from the Council, he shall be evicted from the said premises by the Director or any other Officer authorised by him in this behalf and designated as Estate Officer and notified under the provisions of the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988 (Act 22 of 1988)."

Section 108. Council may vary rates of tax within prescribed limits. —

(1) Notwithstanding any rule, bye-law or resolution specifying the amount or rate at which a tax is leviable, a Council may, by a resolution passed at a special meeting, decide to increase or reduce the amount or rate at which such tax is leviable and to that extent the bye-laws already sanctioned by the Government shall be deemed to have been suitably amended with effect from the date specified in the notice referred to under sub-section (2):

Provided that—

(a) such increase or reduction shall be within the maximum and minimum limits fixed in respect of such tax under the rules;

(b) such increase or reduction shall not exceed ten per centum of the amount or rate at which such tax was leviable during the preceding official year.

(2) When a Council has by a resolution decided to increase or reduce the amount or rate at which any tax is leviable, the Council shall publish in the municipal area the resolution together with notice specifying a date, which shall not be less than thirty days from the date of publication of such notice.

Assembly Hall,
Panaji,
11th March, 1997.

ASHOK. B. ULMAN
Secretary to the Legislative
Assembly of Goa.

LA/B/716/1997

Report of the Select Committee on Bill No. 10 of 1996.— The Goa Secondary and Higher Secondary Education Board (Amendment) Bill, 1996 alongwith the Bill as amended by the Select Committee which was presented to the Legislative Assembly of Goa on 17th March, 1997 is hereby published for general information in pursuance of the provisions of Rule 231 of the Rules of Procedure and Conduct of Business of Legislative Assembly.

Panaji, 20th March, 1997.

(Bill No. 10 of 1996)

A

Bill

further to amend the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975.

COMPOSITION OF THE SELECT COMMITTEE

CHAIRMAN

Shri Pratapsingh R. Rane, Chief Minister

MEMBERS

1. Shri Prakash Velip
2. Shri Arcio D' Souza
3. Smt. Fatima D' Sa
4. Shri Sadanand Malik
5. Shri Krishna Kuttikar
6. Shri Manohar Patrikar
7. Shri Pandurang Bhatale

SECRETARIAT

1. Shri A. B. Ulman, Secretary, Legislature
2. Shri U. M. Desai, Under Secretary, Legislature
3. Shri S. A. Narvekar, Section Officer
4. Smt. Ligia G. Godinho, Senior Assistant

GOVERNMENT REPRESENTATIVES

1. Shri Vivek Rae, Secretary, Education
2. Shri B. S. Subbanna, Secretary, Law
3. Smt. R. Sharma, Director of Education
4. Shri P. V. Salelkar, Dy. Director of Education
5. Smt. S. Lawande, Asst. Director (Administration)

REPORT OF THE SELECT COMMITTEE

1. The Chairman of the Select Committee to which Bill No. 10 of 1996—The Goa Secondary and Higher Secondary Education Board (Amendment) Bill, 1996, was referred, having been authorised by the Committee to submit the report on its behalf, present this report along with the Bill as amended by the Committee annexed hereto.

2. The Bill was introduced in the Legislative Assembly on 22-7-1996 and was referred to Select Committee on 13-8-1996.

3. The Committee in all held three sittings namely, on 1st November, 1996, 11th December, 1996 and 4th March, 1997. As desired by the Committee, the suggestions/comments were invited from the public/Educational Institutions/Associations by issuing press-note in the local dailies. The suggestions were also invited from the Members of the Legislative Assembly. Accordingly, this Secretariat received the suggestions/comments from the Federation of Educational Associations—Goa, Diocesan Society of Education, Panaji, Higher Secondary Principals' Forum-Goa, Shri Subrai Narayan Prabhu Dessai, Cuncolim, Goa and the Chairman, Goa Secondary and Higher Secondary Education Board, Shri Ulhas Dhuri.

The Committee scrutinised and examined the suggestions/comments/opinions of the members of the Legislative Assembly, public Institutions/Associations. During the examination of the

Bill, the Committee considered the various aspects of the suggestions and accordingly report is prepared.

The Committee scrutinised and examined the amendments tabled by Shri Sadanand Malik and Shri Krishna Kuttikar, MLAs and also the suggestions/comments received from the above referred educational Institutions/Associations. During the scrutiny the Principals/Representatives of these Institutions/Associations were called before the Committee to discuss with them on the related issues. Chairman of the Goa Secondary and Higher Secondary Education Board was also called before the Committee. During the clause-by-clause examination of the Bill, the Committee has taken into consideration these suggestions/comments and accordingly draft report is prepared.

Clause — 3

General consensus arrived at the meeting that sub-section (2) of section 9 dealing with educational qualifications and experience required for appointment to the post of Secretary of the Board needs to be maintained but with certain modifications which includes the raising of required qualification i. e. from Second Class Bachelor's Degree to Second Class Master's Degree or Diploma in Higher Education so as to restrict the scope of selection only from amongst the graduates. Earlier the scope was provided to the incumbents holding the post of Assistant Registrars or equivalent in the University which has been done away with and instead appointment of Grade I Officer of Goa Civil Services has been recommended.

Clause — 4

Although amendment to the representation of Director of Education as provided in item (i) in Class-A under "Ex-Officio Members" is not contemplated, the Committee felt it necessary to provide the representation to the Director School of Education instead of Director of Education, since there has been change in nomenclature under the re-organisation set-up of Directorate of Education.

In Clause 4(ii) in item (ii) in Class 'B', below the heading "Elected Members", representation is mandatorily provided one each from Science and Arts faculties.

In Clause 4(ii) (c) the item (iii) in class 'B' is amended so as to enhance the number of representation from two to four from amongst the Principals so as to give wider scope of which two are to be represented by North & South Goa Districts, respectively, besides two representations provided from amongst the vocational faculties each from North and South, Goa respectively.

In Clause-4 (ii) (d) the item (iv) in Class 'B' is amended by which representation is provided to Grade I teachers instead of teachers so as to elevate in status.

Clause — 5

Section 17-A is slightly modified in pursuance to the amendment given by the Members S/Shri Sadanand Malik and Krishna Kuttikar, so as to institute an inquiry by providing specific authority namely not below the rank of retired Judge of the High Court, which was unanimously agreed to.

Item (f) of section 17A is slightly modified so as to substitute the word 'Government' by "Board" since the Board is an appropriate and concerned authority.

This report was considered and adopted by the Committee on 14th March, 1997.

Assembly Hall,

PRATAPSINGH R. RANE

Panaji, 14th March, 1997.

Chief Minister
Chairman

Note:— Deletions made by the Select Committee are shown in square brackets and additions and substitutions made are underlined.

The Goa Secondary and Higher Secondary
Education Board (Amendment) Bill, 1996

(Bill No. 10 of 1996)

A

Bill

further to amend the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975.

Be it enacted by the Legislative Assembly of the State of Goa in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Secondary and Higher Secondary Education Board (Amendment) Act, 1996.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975 (Act 13 of 1975) (hereinafter referred to as the "Principal Act")—

(i) after clause (8) the following clause shall be inserted, namely:—

(8a) "higher secondary education" means such general or combinations of general and technical or vocational or special education which is designed to meet the educational needs of students in classes XI and XII;"

(ii) for clause (11), the following clause shall be substituted, namely:—

"(11) "management" in respect of Government run institution means the Director of Education and in case of other institutions means the trustees or the managing or governing body, by whatever name called, of any Trust or of any Society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) under whose management one or more schools or institutions are run;"

(iii) for clause (18) the following clause shall be substituted, namely:—

"(18) "State" means the State of Goa".

3. *Amendment of section 9.*— In section 9 of the principal Act.—

(i) in sub-section (1), for the expression "His emoluments and terms and conditions of service shall be such as may be prescribed", the following shall be substituted, namely:—

"The eligibility criteria, mode of recruitment and terms and conditions of service for appointment of the Secretary shall be such as may be prescribed."

(ii) for sub-section (2) [shall be omitted] the following shall be substituted, namely:—

“(2) The minimum qualification and experience required for the purpose of appointment to the post of Secretary of the Board are that—

(a) (i) he should possess a Second Class Master's degree or Diploma in Higher Education of a recognised University in Arts, or Science and Bachelor's degree in Education with experience both in teaching and administration of not less than 15 years; and

(ii) he should have held a responsible post not below the rank of Education Inspector or its equivalent under the Directorate of Education of any State Government or Union Territory Administration, for not less than five years, or

(b) a Grade I Officer of the Goa Civil Services”.

4. *Amendment of section 12.*— In sub-section (1) of section 12 of the Principal Act,—

(i) in class A, below the heading “Ex-officio Members”, for items (i), (ii), (iii), (iv), (v) and (vi) the following items shall be substituted namely:—

“(i) The Director of School Education or his nominee not below the rank of a Deputy Director;

(ii) The Director of Sports and Youth Affairs;

(iii) The Director of Art and Culture;

(iv) The Director of Craftsman Training

(v) the Director of Technical Education

(vi) the Director of State Institute of Education; and

(vii) The Director of Higher Education.

(ii) in class B, below the heading “Elected Members”.—

(a) in item (i) for the word “territory” the word “State” shall be substituted;

(b) for item (ii) the following item shall be substituted namely:—

“(ii) Two members one each from science and Arts faculties to represent the University of Goa, to be elected by the Academic Council of the University from amongst its members of whom at least one member shall represent the colleges and until the first such elections are held, persons nominated by the Government from amongst the Principals and teachers of the colleges in the State;”

(c) for item (iii) the following item shall be substituted, namely:—

“(iii) (a) [two] Four [headmasters] Principals of Higher Secondary Schools, of which two each to represent North Goa and South Goa Districts respectively, and

(b) two representatives from vocational stream of which one each to represent North Goa and South Goa Districts respectively, elected by the [Headmasters] Principals/teachers of such schools in the State recognised by the Board, from amongst themselves;”

(d) for item (iv), the following item shall be substituted, namely:—

“(iv) Two Grade I teachers [of] from Higher Secondary Schools to represent North Goa and South Goa Districts respectively, elected by the teachers of such schools in the State recognised by the Board, from amongst themselves;”

(e) for item (vii), the following item shall be substituted, namely:—

“(vii) Two representatives of the managements of Secondary and higher Secondary schools elected by the managements of such schools in the State recognised by the Board, from amongst themselves;”

(iii) in Class C, below the heading “Nominated Members”,—

(a) for the word “Five”, the word “Six” shall be substituted;

(b) for item (i), the following item shall be substituted, namely:—

“(i) One representative of visual/performing arts;”;

(c) for item (ii), the following item shall be substituted, namely:—

“(ii) One representative from those who have contributed towards education/rehabilitation of the handicapped;”;

(d) in item (iii), for the word “territory”, the word “State” shall be substituted;

(e) for item (iv), the following item shall be substituted, namely:—

“(iv) Two persons, other than the staff of colleges, heads and teachers of Secondary and/or higher secondary schools to be nominated by the Government from amongst reputed educationists, of whom one shall be a woman in case no woman member is represented in above classes;”

(f) after item (iv), the following item shall be inserted, namely:—

“(v) one nominated member to represent vocational education.”

5. *Insertion of new section 17A.*— After section 17 of the principal Act, the following shall be inserted, namely:—

“17A. *Removal of Chairman.*— The Government may, after [making such] an inquiry by a retired judge of the High Court, [as deemed necessary,] remove from office the Chairman of the Board, if he /she,—

(a) has been convicted of an offence involving moral turpitude; or

(b) has been found guilty of any lapse, misconduct, misbehaviour or disgraceful conduct which in the opinion of the Government renders him unfit to be continued as Chairman; or

(c) has been adjudged as undischarged insolvent; or

(d) has been declared physically disabled by any medical authority as the Government may specify in this behalf; or

(e) has been adjudged to be of unsound mind by a competent authority; or

(f) has been acting in any manner detrimental to the aims and objects of the [Government] Board.”

6. *Amendment of section 22.*— In section 22 of the Principal Act, in sub-section (4), after the words “No person” and before the words “shall be a member”, the words and figures “other than those specified in clauses (i) and (ii) of sub-section (1)” shall be inserted.

7. *Amendment of section 25.*— In section 25 of the Principal Act, in sub-section (1), in item (viii), for the words “final examinations”, the word “examinations” shall be substituted.

8. *Amendment of section 31.*— In section 31 of the Principal Act, after the words “make recommendation” and before the words “on all matters”, the words “to the Executive Council” shall be inserted.

9. *Amendment of section 40.*— In section 40 of the principal Act, the words “in its annual meeting” shall be omitted.

LA/B/708/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 17-3-1997 is hereby published for general information in pursuance of the provisions of Rule - 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 20th March, 1997.

The Goa Excise Duty (Amendment) Bill, 1997

(Bill No. 10 of 1997)

A

BILL

further to amend the Goa Excise Duty Act, 1964.

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Excise Duty (Amendment) Act, 1997.

(2) It shall come into force with effect from the 1st day of April, 1997.

2. *Amendment of section 15.*— In section 15 of the Goa Excise Duty Act, 1964 (Act 5 of 1964), for sub-section (2), the following shall be substituted, namely:—

“(2) No licence or permit under this Act shall be granted or no licence shall be transferred from one licensed premises to another or from one licensee to another person or no label shall be recorded/renewed except on payment of fees at such rates as may be fixed by the Government, from time to time, by notification published in the Official Gazette:

Provided that if any person seeks transfer of licence in his name and subsequently intends to transfer the same to some other licensed premises under the provisions of the Act and rules made thereunder or vice-versa, the transfer fees will be applicable in such case as one transaction only.”

Statement of Objects and Reasons

The existing provisions of the Goa Excise Duty Act, 1964 (Act 5 of 1964) do not contain any enabling provision to levy fees for transfer of licences from one licensed premises to another or from one licensee to another person and for recording of labels duly approved and renewal thereof. It is, therefore, proposed to amend section 15 of the Act, 1964, to provide for the same.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved towards implementation of the provisions of the Bill since no additional expenditure will be incurred on account of proposed amendment.

Memorandum Regarding Delegated Legislation

Proposed clause (2) of the Bill empowers the Government to fix, from time to time, by Notification, the rates for grant/transfer of licence/permit under the Act and for recording/renewing of labels.

This delegation is of normal character.

Panaji,
14th March, 1994.

PRATAPSINGH RANE
Chief Minister,

Assembly Hall,
Panaji,
14th March, 1997.

Ashok B. Ulman
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 10 of 1997)

The Goa Excise Duty (Amendment) Bill, 1997

The Goa Excise Duty Act, 1964 (Act 5 of 1964)

15. Licences and permits.— (1) Every licence or permit under this Act shall be granted,—

(i) by such officer,

(ii) for such period,

(iii) subject to such conditions or restrictions, and

(iv) in such form and containing such particulars, as may be prescribed.

Provided that the Government may, if it considers necessary in the public interest so to do, by order, published in the Official Gazette, direct that no licence shall be granted for manufacture or sale of any or all excisable articles and foreign liquors within Goa, Daman and Diu or any part thereof.

(2) No licence or permit under this Act shall be granted except on payment of fees at such rates as may be fixed by the Government, from time to time, by notification published in the Official Gazette

Assembly Hall,
Panaji,
14th March, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

LA/B/739/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 20-3-1997 is hereby published for general information in pursuance of the provisions of Rule - 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 21st March, 1997.

**The Goa Public Libraries (Amendment)
Bill, 1997**

(Bill No. 11 of 1997)

A
BILL

to amend the Goa Public Libraries Act, 1993.

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa Public Libraries (Amendment) Act, 1997.

(2) It shall come into force from the date of enforcement of the Goa Public Libraries Act, 1993 (Act 14 of 1995).

2. *Amendment of section 2.*— In section 2 of the Goa Public Libraries Act, 1993 (Act 14 of 1995) (hereinafter referred to as the 'principal Act'), for clause (h), the following shall be substituted, namely:—

“(h) “Public Library” means—

(i) any library established, maintained and managed by the Government and declared open to the public;

(ii) any library declared to be eligible for grant-in-aid and receiving aid from the Government or from the Library fund of the Raja Ram Mohan Roy Library Foundation; and

(iii) any other library notified by the Government as a Public Library for the purpose of this Act.

3. *Amendment of section 4.*— In section 4 of the principal Act,—

(a) in clause (i) of sub-section (2),—

(i) for sub-clause (e), the following shall be substituted, namely:—

“(e) the State Library Officer who will be the Member Secretary of the Council;”;

(ii) after sub-clause (g), the following shall be added, namely:—

“(h) Director of School Education;

(i) State Librarian.”;

(b) sub-section (8) shall be omitted.

4. *Amendment of section 5.*— In section 5 of the principal Act,—

(i) in sub-section (1), for the words “a department”, the expression “a cell of the Directorate of School Education” shall be substituted;

(ii) for sub-section (2), the following shall be substituted, namely:—

“(2) The Head of the State Library Development Cell (hereinafter called the “State Library Officer”), shall be a person appointed by the Government as per the recruitment rules to be notified by the Government for the said post.”;

(iii) in sub-section (3), for the expression “State Librarian/Curator”, the expression “State Library Officer” shall be substituted.

5. *Amendment of section 10.*— In section 10 of the principal Act,—

(i) in sub-section (1), for the expression “The head of the State Library Development Cell shall also be the officer in charge of the State Library and who shall”, the expression “The Officer-in-charge of the State Library (hereinafter called the “State Librarian”) shall”, shall be substituted;

(ii) after sub-section (2), the following shall be added, namely:—

“(3) The State Librarian shall be a person appointed by the Government as per recruitment rules to be notified by the Government for the said post.”.

6. *Amendment of section 11.*— In sub-section (2) of section 11 of the principal Act, for clause (c), the following shall be substituted, namely:—

“(c) Panchayat Library.”.

7. *Amendment of section 12.*— In clause (d) of section 12 of the principal Act, for the expression “State Librarian/Curator”, the expression “State Library Officer” shall be substituted.

8. *Omission of sections 13, 14, 15, 16 and 20.*— Sections 13, 14, 15, 16 and 20 of the principal Act shall be omitted.

Statement of Objects and Reasons

It is proposed to amend clause (h) of Section 2 of the Goa Public Libraries Act, 1993 (Goa Act 14 of 1995) since it will not be possible to provide library services free of charge.

It is proposed to amend section 4 of the Act, 1993, so as to provide for nomination of State Library Officer, Director of School Education and State Librarian as Members of the State Library Council.

Also, sub-sections (1), (2) and (3) of section 5 of the Act, 1993, are proposed to be amended so as to provide that the State Library Development Cell shall be a Cell of the Directorate of School Education and to provide for the State Library Officer to be the Head of the said Cell. Section 10 of the Act, 1993, is proposed to be amended for providing for the State Librarian to be the Officer-in-charge of State Library.

It is also proposed to omit sub-section (8) of section 4 as also sections 13, 14, 15, 16 and 20 of the Act, 1993, as the Government has power to make rules and form committees.

This Bill seeks to achieve the above objects.

Financial Memorandum

The financial provisions contained in sections 17, 18 and 19 of the principal Act are being retained without any amendments.

The amendments proposed in other sections of the principal Act do not have any financial implications.

Memorandum Regarding Delegated Legislation

Clause 2 of the Bill empowers the Government to notify any library as a public library for the purposes of the Act.

Clauses 4 and 5 of the Bill empower the Government to notify recruitment rules for the post of State Library Officer and State Librarian.

These delegations are of normal character.

(Annexure to Bill No. 11 of 1997)

The Goa Public Libraries (Amendment) Bill, 1997

The Goa Public Libraries Act, 1993 (Act 14 of 1995)

2(h) "Public Library" means a library, which permits members of the public to use it for reference or borrowing without charging fee or subscription;

4. *Constitution and establishment of Council.*— (1) With effect from such date as the Government may, by notification, specify in this behalf, the Government shall establish, for the purpose of this Act, a Council to be known as State Library Council, with headquarters at such place as the Government may specify.

(2) The Council shall consist of —

(i) the following ex-officio members:—

- (a) the Minister-in-charge of libraries, who shall be the Chairman;
- (b) the Secretary, Education;
- (c) the Secretary, Finance;
- (d) the Chairman or President, State Library Association;
- (e) Curator/State Librarian, who will be the Member Secretary;
- (f) Director, Directorate of Historical Archives and Archaeology;
- (g) Librarian, Goa University;

(ii) Two Members of the State Legislative Assembly interested in Library development to be elected by the Legislative Assembly of Goa.

(iii) One Member who is expert in library Science to be nominated by the Chairman of the Council;

(iv) One Member of the voluntary organisation involved in the Library on literature.

(3) The Council shall advise the Government on all matters mentioned under section 3 and also in regard to promotion and development of Library service in the State.

(4) The Council shall advise the State Library Development Cell in all technical matters, relating to the Library, development and organisation.

(5) The Council shall meet at least twice in a year, but not more than six months shall intervene between two meetings.

(6) A nominated member of the Council shall hold office for the period of four years.

(7) When any member dies, resigns, becomes incapable of acting as a member except the member referred to in item (ii) of sub-section (2) of Section 4 or is otherwise removed, the Government may nominate any other person for the unexpired period of the term of such member.

(8) The Council shall frame regulations for transacting its business and matters in respect of which regulations are to be framed by it under this Act and may appoint Committees.

5. *State Library Development Cell.*— (1) The Government shall constitute a State Library Development Cell which shall be a department of the Government. The functions of the State Library Development Cell shall be as follows:—

(a) to prepare the annual as well as short or long term plan for libraries in the State in co-operation with the development and other concerned departments of the Government and of the Central Government;

(b) to prepare and publish descriptive and statistical reports on the working of all the Public Libraries;

(c) to arrange or to secure training of various categories of library employees;

(d) to conduct inspection of and render advisory service to the district taluka and other libraries in the State;

(e) to administer the system of grant-in-aid to the aided libraries, and to undertake their inspection.

(2) The Head of the State Library Development Cell (hereinafter called the State Librarian/Curator shall be a person with a First Class Masters Degree in Library Science of a reorganised University having an experience of at least 10 years as Grade I Librarian in the State Libraries/Subordinate Libraries and shall be appointed by the Government.

(3) The State Librarian/Curator shall perform the following duties:—

(a) he shall participate in all meetings of the Council and the Committees which may be set up by the Council;

(b) he shall be responsible for carrying out such of the recommendations of the Council as have been approved by the Government.

(c) he shall perform such other duties as may be prescribed in the regulations made by the Council;

(d) subject to any rules made by the Government State Library Department Cell;

(i) shall be responsible for implementing the programme of work for the year as approved by the Council;

(ii) shall administer the grant-in-aid Scheme for aided libraries;

(iii) shall decide where district and other libraries in the State are to be set up and approve the constitution and bye-laws of a Public Library;

(iv) may absorb an aided library into the Public Library of the State.

10: *Officer in charge of the State Library.*— (1) The head of the State Library Development Cell shall also be the officer-in-charge of the State Library and who shall:

(a) be responsible for the management of all the departments of the State Library;

(b) maintain the stock of books and conduct all approved activities of the State Library;

(c) advise the Council on all technical matters;

(d) submit to the Council a report on the working of the Library during the previous financial year, which report shall also include the detailed statement of receipts and expenditure on account of State Library.

(2) The State Librarian shall be assisted by professional, technical and general staff running the State Library.

11. *The District Library.*— (1) There shall be a District Library in each District rendering book service to the residents of a District.

(2) In addition to the District Library under sub-section (1), there shall also be the following types of Libraries, namely:—

(a) Municipal Library

(b) Taluka Library and

(c) Village Library

12. *Functions of a District Library.*— The functions of a District Library shall be as follows:—

(a) to provide reference and bibliographical service in the district;

(b) to extend library service in the urban and rural areas by setting up taluka branch libraries, mobile libraries and deposit centres and to extend similar service in the district through the various taluka libraries and other library units;

(c) to feed taluka libraries with supply of suitable books;

(d) to co-operate with and help the aided libraries in the district in accordance with the instructions of the State Librarian/Curator;

13. *District Library Committee.*— (1) There shall be a district library committee for each District Library in the State which shall be constituted in accordance with such regulations as may be framed by the Council.

(2) The District Library Committee shall, subject to the approval of the authority, frame its rules of business and procedure for carrying out the functions of the District Library.

(3) The functions of a District Library Committee shall be as follows:—

(a) to supervise the work of the District Library and the various library units;

(b) to start branch libraries;

(c) to take all necessary steps to develop public library service in the district;

(d) to employ in accordance with the regulations framed by the authority, staff for the District Library;

(e) to make provisions for purchase of books, films, film-strips, records, furniture, equipment, book-mobile and other material for the District Library;

(f) to acquire, purchase or hire land or other properties and effects, and build, alter, repair and extend buildings and fit up and furnish the same with requisite furniture, fittings and conveniences;

(g) to accept any endowment, bequest or gift for the purpose of promotion and development of library service as envisaged in this Act;

(h) to organise or participate in conferences and exhibitions relating to libraries and spend such sum as may be reasonable in connection with such conferences and exhibitions and depute any person or persons to attend any such conference or exhibition;

(i) to provide accommodation for lectures and other cultural and educational activities of short duration in the premises of libraries in the District Library;

(j) to arrange library timings provided that the number of hours of daily service to the public shall not be less than the minimum laid down by the Authority;

(k) to extend library service in its area by setting up branch libraries, mobile libraries and deposit centres.

(4) If any question arises whether a particular matter is or is not within the purview of power of district or any other library committee the decision of the Council thereon shall be final.

(5) The District Library Committee shall meet as often as the Chairman thereof may decide to summon it, but preferable at least four times a year.

14. *Taluka Library Committee.*—(1) There shall be Taluka Library Committee for each Taluka Library and its constitution and functions shall be such as may be laid down in rules framed by the District Library Committee concerned.

(2) The Taluka Library Committee shall, subject to the approval of the District Library Committee concerned, frame its rules of business and procedure.

15. *Village Library Committee.*—(1) There shall be a Village Library Committee for each Village Library and its constitution and functions shall be such as may be laid down in rules framed by the District Library Committee concerned.

(2) The Village Library Committee shall, subject to the approval of the District Library Committee concerned, frame its rules of business and procedure.

16. *Employees of the Public Library.*—(1) The Government shall create cadres for public Library employees similar to those of the employees of Government Departments and lay down the qualifications and the other terms and conditions of service for those cadres.

(2) Within a year of its first constitution, the Council shall frame service rules for the various categories of library employees.

20. *Framing of Rules and Regulations.*—The Council shall prepare model bye-laws, rules and regulations regarding the administration of library service in the State.

Assembly Hall,
Panaji,
18th March, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

LA/B/741/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 20-3-1997 is hereby published for general information in pursuance of the provisions of Rule - 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 21st March, 1997.

THE GOA (PORTARIA PROVINCIAL No. 332 DATED
24TH NOVEMBER, 1871) REPEAL BILL, 1997

(Bill No. 14 of 1997)

A

BILL

to repeal the provisions of Portaria Provincial No. 332 dated
24th November, 1871.

Be it enacted by the Legislative Assembly of Goa in the
Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa (Portaria Provincial No. 332 dated 24th November, 1871) Repeal Act, 1997.

(2) It shall come into force at once.

2. *Repeal of Portaria Provincial No. 332 dated 24th November, 1871.*—(1) On and from the date of coming into force of this Act, the Portaria Provincial No. 332 dated 24th November, 1871, shall stand repealed.

(2) All assets and liabilities of the Institute Vasco-da-Gama created by the said Portaria, now known as Institute Menezes Braganza, shall stand vested in the Government.

(3) All persons in custody of the assets of whatever kind of the said Institute Vasco-da-Gama, now known as Institute Menezes Braganza, shall forthwith hand over the same to such authority as may be specified by the Government.

Statement of Objects and Reasons

By Portaria Provincial No. 332 dated 24th November, 1871, the erstwhile Portuguese Government created an Institution known as 'Institute Vasco-da-Gama'. Subsequent to the liberation, the then Union Territory Administration, by an order issued by the Lt. Governor in 1963, changed the name from Institute Vasco-da-Gama to 'Institute Menezes Braganza'. The Institute had been established as a scientific and literary institution. Only persons of acknowledged merit in science and literature were to be the members of the Institute. At present, the Institute is managed by few persons. It is felt necessary to take over the assets of the Institute so that valuable artefacts held by the Institute can be maintained and displayed by the Directorate of Archives, Archeology and Museum. The present Bill seeks to achieve the said purpose.

Financial Memorandum

There are no financial implications in the present Bill.

Panaji,
20th March, 1997.

PRATAPSINGH RANE
Chief Minister

Assembly Hall,
Panaji,
20th March, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

LA/B/740/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 20-3-1997 is hereby published for general information in pursuance of the provisions of Rule - 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 21st March, 1997.

**The Maharashtra Co-operative Societies
(Goa Amendment) Bill, 1997**

(Bill No. 13 of 1997)

A

BILL

further to amend the Maharashtra Co-operative Societies Act, 1960 (Maharashtra Act XXIV of 1961), in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty—eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Maharashtra Co-operative Societies (Goa Amendment) Act, 1997.

(2) It shall come into force at once.

2. *Amendment of section 1.*— In section 1 and in any other sections of the Maharashtra Co-operative Societies Act, 1960 (Maharashtra Act XXIV of 1961), as in force in the State of Goa (hereinafter referred to as the “principal Act”),—

(i) in the long title, for the expression “the Union Territory of Goa, Daman and Diu”, the expression “the State of Goa” shall be substituted;

(ii) in section 1, —

(a) in sub-section (2), for the expression “the Union Territory of Goa, Daman and Diu”, the expression “the State of Goa” shall be substituted;

(b) in sub-section (3), for the expression “the Goa, Daman and Diu”, the expression “Government” shall be substituted.

3. *Amendment of section 2.*— In section 2 of the principal Act, in clause (30), the figures and words “, Daman and Diu” shall be omitted.

4. *Amendment of section 28.*— In section 28 and other sections of the principal Act, for the expression “the Goa, Daman and Diu Gazette”, wherever it occurs, the expression “the Official Gazette” shall be substituted.

5. *Amendment of section 73A.*— In section 73A of the principal Act, in sub-section (2),—

(a) under Category I, for the expression “the Union Territory of Goa, Daman and Diu”, the expression “the State of Goa and Union Territory of Daman and Diu” shall be substituted;

(b) under Category II, for the expression “the Union territory of Goa, Daman and Diu”, the expression “the State of Goa and Union Territory of Daman and Diu” shall be substituted.

6. *Amendment of section 75.*— In section 75 of the principal Act, in sub-section (6), for the expression “Code of Criminal Procedure, 1898 (V of 1898)”, the expression “Code of Criminal Procedure, 1973 (Act 1 of 1974)” shall be substituted.

7. *Amendment of section 144A.*— In section 144A of the principal Act, in sub-section (2), in clause (a), the figure and words “Daman and Diu” shall be omitted.

8. *Amendment of section 148.*— In section 148 of the principal Act, in sub-section (2), for the expression “Code of Criminal Procedure, 1898 (V of 1898)”, the expression “Code of Criminal Procedure, 1973 (Act 1 of 1974)” shall be substituted.

9. *Amendment of section 149.*— In section 149 of the principal Act, —

(i) for sub-section (2), the following shall be substituted namely:—

“(2) The Tribunal shall consist of a President who shall be a person appointed as the President of the Administrative Tribunal under section 3 of the Goa Administrative Tribunal Act, 1965 (Act 6 of 1965);

(ii) sub-sections (3), (4), (5) and (6) shall be omitted;

(iii) the existing sub-section (7) shall be re-numbered as sub-section (3) thereof;

(iv) the existing sub-section (8) shall be re-numbered as sub-section (4) thereof and in sub-section (4) as so re-numbered, for the words and figures “sub-section (7)”, the words and figures “sub-section (3)” shall be substituted;

(v) the existing sub-sections (9) and (10) shall be re-numbered as sub-sections (5) and (6) thereof respectively;

(vi) the existing sub-section (11) shall be re-numbered as sub-section (7) thereof and in sub-section (7) as so re-numbered, for the words and figures “sub-section (9)”, the words and figures “sub-section (5)” shall be substituted.

10. *Amendment of section 156.*— In section 156 of the principal Act, in sub-section (2), for the expression “article 182 in the First Schedule”, the expression “Article 136 of the First Schedule” shall be substituted.

11. *Amendment of section 158.*— In section 158 of the principal Act, for the expression “Maharashtra Zilla Parishads and Panchayat Samities Act, 1961 (Mah. V of 1962)”, the expression “Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994)” shall be substituted.

12. *Amendment of section 159.*— In section 159 of the principal Act, —

(i) in sub-section (1),—

(a) for the expression “outside the Union Territory of Goa, Daman and Diu”, the expression “outside the State of Goa” shall be substituted;

(b) for the expression “the Union Territory of Goa, Daman and Diu”, the expression “the State of Goa or Union Territory of Daman and Diu” shall be substituted;

(ii) in sub-section (2), —

(a) for the first expression “in the Union Territory of Goa, Daman and Diu”, the expression “in the State of Goa and Union Territory of Daman and Diu” shall be substituted;

(b) for the second expression “in the Union Territory of Goa, Daman and Diu”, the expression “in the then Union Territory of Goa, Daman and Diu” shall be substituted.

Statement of Objects and Reasons

As per the existing provisions of the Maharashtra Co-operative Societies Act, 1960 (Maharashtra Act XXIV of 1961) and Rules made thereunder as in force in this State, the composition of the Co-operative Tribunal consists of President and three members possessing such qualifications as laid down under the Rules and as per the provisions of rule 101 of the Co-operative Societies Rules, 1962 the President of the Co-operative Tribunal shall be a person who has been the Chairman of the Goa, Daman and Diu Administrative Tribunal appointed under section 3 of the Goa, Daman and Diu Administrative Tribunal Act, 1965 (Act 6 of 1965). As the composition of the Administrative Tribunal has been changed to a single member Tribunal to be presided by a President instead of Chairman, it is expedient to make the Co-operative Tribunal also a single member Tribunal.

It is, therefore, proposed to suitably amend the provisions of the Maharashtra Co-operative Societies Act, 1960 (Maharashtra Act XXIV of 1961), as in force in the State of Goa, so as to provide for a single member Tribunal to be presided by the President instead of Chairman of the Administrative Tribunal.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
17th Marh, 1997.

SOMNATH ZUVARKAR
Minister for Co-operation

Assembly Hall,
Panaji,
18th March, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 13 of 1997)

The Maharashtra Co-operative Societies (Goa Amendment) Bill, 1997

The Maharashtra Co-operative Societies Act, 1960
(Maharashtra Act XXIV of 1961)

1. *Short title, extent and commencement.*— (1) This Act may be called the Maharashtra Co-operative Societies Act, 1960.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the State Government may, by notification in the Goa, Daman and Diu Gazette, appoint.

2. (30) “Tribunal” means the Goa, Daman and Diu Co-operative Tribunal constituted under this Act;

28. *Restrictions on holding of shares.*— In any society, no member other than the State Government or any other society, shall—

(a) hold more than such portion of the total share capital of the society (in no case exceeding one-fifth thereof) as may be prescribed; or

(b) have or claim any interest in the shares of the society exceeding five thousand rupees;

Provided that the State Government may, by notification in the Goa, Daman and Diu Gazette specify in respect of any class of societies a higher or lower maximum than one fifth of the share capital or, as the case may be, a higher or lower amount than five thousand rupees.

73A. Disqualification for being designated officer simultaneously of certain specified societies or for being designated officer of the same society for more than six years.— (1) In this section and in sections 73D, 73E and 73F, “a designated officer” means the Chairman, the President, the Vice Chairman and the Vice President, and includes any other officer of the society as may be declared by the State Government by notification in the Official Gazette, to be designated officer, but does not include any Officer appointed or nominated by the State Government or by the Registrar.

(2) No person shall, at the same time, be or continue to be, a designated officer of more than one society falling in Category I or

Category II or Category III of the Categories mentioned below; and shall not be or continue to be a designated officer in more than two societies in the aggregate in the three Categories;—

Category I— Societies, the area of operation of which extends to the whole of the Union Territory of Goa, Daman and Diu.

Category II— Societies, the area of operation of which does not extend to the whole of the Union territory of Goa, Daman and Diu but extends to one or more districts and the authorised share capital of which is more than Rs. 10 lakhs.

Category III— Societies, the area of operation of which does not extend to the whole of a district but extends to one or more talukas, and the authorised share capital of which is not more than Rs. 10 lakhs but is not less than Rs. 5 lakhs.

75. Annual general meeting.— (1) Every society shall, within a period of three months next after the date fixed for making up its accounts for the year under the rules for the time being in force, call a general meeting of its members.

Provided that, the Registrar may, by general or special order, extend the period for holding such meeting for a further period not exceeding three months:

Provided further that, if in the opinion of the Registrar, no such extension is necessary, or such meeting is not called by the society within the extended period (if any) granted by him, the Registrar or any person authorised by him may call such meeting in the manner prescribed, and that meeting shall be deemed to be a general meeting duly called by the society.

(2) At every annual meeting of a society, the committee shall lay before the society a balance sheet and profit and loss account for the year in the manner, prescribed by Registrar by general or special order for any class or classes of societies.

Explanation.— In the case of a society not carrying on business for profit, an income and expenditure account shall be placed before the society at the annual general meeting instead of profit and loss account; and all the references to profit and loss account, and to “profit” or “loss” in this Act, shall be construed in relation to such society as references, respectively, to the “income over expenditure” and “excess of expenditure over income”.

(3) There shall be attached to every balance sheet laid before the society in general meeting, a report by its committee, with respect to (a) the state of the society’s affairs;— (b) the amounts, if any, which it proposes to carry to any reserve either in such balance sheet, or any specific balance sheet; and (c) the amounts, if any, which it recommends, should be paid by way of dividend, bonus or honoraria to honorary workers. The committee’s report shall also deal with any changes, which have occurred during the year for which the accounts are made up, in the nature of the society’s business. The committee’s report shall be signed by its chairman or any other member authorised to sign on behalf of the committee.

(4) At every annual general meeting, the balance sheet, the profit and loss account, the auditor’s report and the committee’s report, shall be placed for adoption, and such other business will be transacted as may be laid down in the bye-laws and of which due notice has been given.

(5) If default is made, in calling a general meeting within the period or, as the case may be, the extended period, prescribed under sub-section (1), or in complying with sub-section (2), (3) or (4) the Registrar may by order declare any officer or member of the committee whose duty it was to call such meeting or comply with sub-section (2), (3) or (4), and who without reasonable excuse failed to comply with any of the aforesaid sub-sections disqualified for being elected and for being an officer or member of the committee for such period not exceeding three years, as he may specify in such an order and, if the officer is a servant of the society, impose a penalty on him to an amount not exceeding one hundred rupees. Before making an order under this sub-section, the Registrar shall give, or cause to be given, reasonable opportunity to the person concerned of showing cause against the action proposed to be taken in regard to him.

(6) Any penalty imposed under sub-section (5) or under the next succeeding section, may be recovered in the manner provided by the Code of Criminal Procedure, 1898, V of 1908, for the recovery of fines imposed by a Magistrate, as if such fine was imposed by the Magistrate himself.

144A. Application of this Chapter and definitions.— (1) Except section 144Y, this Chapter shall apply only to election to committees of societies belonging to the categories specified in section 73H.

(2) In this chapter, unless the context otherwise requires,

(a) “Administrative Tribunal” means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965 (6 of 1965);

(b) “Collector” means the Collector having jurisdiction over the local areas in which the registered office of the society concerned is situated, and includes the Additional Collector, and also any officer not below the rank of Deputy Collector, appointed by the State Government to exercise the powers and to perform the duties of the Collector under this Chapter;

(c) “election” means an election of a member or members of the committee of a specified society;

(d) “specified society” means a society belonging to any of the categories specified in section 73H.

148. Cognizance of offences.— (1) No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence under this Act.

(2) Notwithstanding anything contained in Code of Criminal Procedure 1898, it shall be lawful for a Presidency Magistrate or a Magistrate of the First Class to pass a sentence of fine on any person convicted of an offence under clause (b) of section 146 as provided under section 147 in excess of his powers under section 32 of that Code.

(3) No prosecution under this Act shall be lodged, except with the previous sanction of the State Government in the case of an offence under clause (b) of section 146 and of the Registrar in the case of any other offence under this Act. Such sanction shall not be given, except after hearing the party concerned, by an officer authorised in this behalf by the State Government by a general or special order.

149. *Goa, Daman and Diu Cooperative Tribunal* — (1) The State Government shall constitute a Tribunal called the Goa, Daman and Diu Co-operative Tribunal, to exercise the functions conferred on the Tribunal by or under this Act.

(2) The Tribunal shall consist of the President, and not more than three other members possessing such qualifications as may be prescribed.

(3) Any vacancy in the membership of the Tribunal shall be filled by the State Government.

(4) The powers and functions of the Tribunal may be exercised and discharged by Benches constituted by the President from amongst the members of the Tribunal including himself.

Provided that, any interlocutory application may be heard by one or more members who may be present.

(5) Such Benches shall consist of two or more members.

(6) Where a matter is heard by three members the opinion of the majority shall prevail, and the decision shall be in accordance with the opinion of the majority. Where a matter is heard by an even number of members, and the members are equally divided, if the President be one of the members the opinion of the President shall prevail, and in other cases the matter shall be referred for hearing to the President, and shall be decided in accordance with his decision.

(7) Subject to the previous sanction of the State Government the Tribunal shall frame regulations consistent with the provisions of this Act and rules made thereunder, for regulating its procedure and the disposal of its business.

(8) The regulations made under sub-section (7) shall be published in the Goa, Daman and Diu Gazette.

(9) The Tribunal may call for and examine the record of any proceeding in which an appeal lies to it, for the purpose of satisfying itself as to legality or property of any decision or order passed. If in any case, it appears to the Tribunal that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem just.

(10) Where an appeal is made to the Tribunal under section 97 it may in order to prevent the ends of justice being defeated, make such interlocutory orders pending the decision of the appeal as may appear to it to be just and convenient, or such orders as may be necessary for the ends of justice, or to prevent the abuse of the process of the Tribunal.

(11) An order passed in appeal or in revision under sub-section (9) or in review under section 150 by the Tribunal, shall be final and conclusive and shall not be called in question in any Civil or Revenue Court.

Explanation. — The Tribunal hearing an appeal under this Act shall exercise all the powers conferred upon an appellate court by section 97 and Order XLI in the First Schedule of the Code of Civil Procedure 1908.

V of 1908.

156. *Registrar's powers to recover certain sums by attachment and sale of property.* — (1) The Registrar or any officer subordinate to him and empowered by him in this behalf may, subject to such rules as may be made by the State Government, but without prejudice to any other mode of recovery provided by or under this Act, recover —

(a) any amount due under a decree or order of Civil Court obtained by a society;

(b) any amount due under a decision, award or order of the Registrar, Arbitrator or Liquidator or Tribunal;

(c) any sum awarded by way of costs under this Act;

(d) any sum ordered to be paid under this Act as a contribution to the assets of the society;

together with interest, if any due on such amount or sum and costs of process by the attachment and sale or by sale without attachment of the property of the person against whom such decree, decision, award or order has been obtained or passed.

(2) The Registrar or the officer empowered by him shall be deemed, when exercising the powers under the foregoing sub-section or when passing any orders on any application made to him for such recovery, to be a Civil Court for the purposes of article 182 in the First Schedule to the Indian Limitation Act, 1908.

IX of 1908.

158. *Delegation of power of Registrar to federal authorities.* — The State Government, by notification in the Goa, Daman and Diu Gazette and subject to such conditions, (if any) as it may think fit to impose, delegate all or any of the powers of the Registrar under this Act to any federal authority or to an officer thereof, (or to any officer of the Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samities Act, 1961 and such officer of the Zilla Parishad shall work under the general guidance, superintendence and control of the Registrar) specified in the notification.

Mah. V
of 1962.

159. *Branches, etc. societies outside the State.* — (1) No society shall open a branch or a place of business outside the Union Territory of Goa, Daman and Diu, and no co-operative society registered under any law elsewhere in India shall open a branch or a place of business in the Union Territory of Goa, Daman and Diu, without the permission of the Registrar.

(2) Every co-operative society registered under any law elsewhere in India, and permitted to open a branch or a place of business in the Union Territory of Goa, Daman and Diu under the foregoing sub-section, or which has a branch or a place of business in the Union Territory of Goa, Daman and Diu at the commencement of this Act, shall, within three months from the opening of such branch or place of business or from the commencement of this Act, as the case may be, file with the Registrar a certified copy of the bye-laws and amendments and, if these are not written in English language, a certified translation thereof in English or Hindi, and shall submit to the Registrar such returns and information as are submitted by similar societies registered under this Act in addition to those which may be submitted to the Registrar of the State where such society is registered.

Assembly Hall,
Panaji,
18th March, 1997.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

LA/B/710/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 17-3-97 is hereby published for general information in pursuance of the provisions of Rule - 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 20th March, 1997.

THE GOA COMMAND AREA DEVELOPMENT BILL, 1997

(Bill No. 5 of 1997)

A BILL

to provide for accelerated increase in agricultural and allied production in the State of Goa, through a programme of comprehensive and systematic development of command areas on scientific and modern lines, comprising measures for optimum use of land and water, prevention of land erosion and water logging, improvement of soil fertility and regulation of cropping pattern, and for proper maintenance and up-keep of irrigation systems in the State of Goa for ensuring maximum benefits to the cultivators under the command areas and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

CHAPTER - I

1. *Short title, extent and commencement.* — (1) This Act may be called the Goa Command Area Development Act, 1997.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different areas of the State of Goa.

2. *Definitions.* — In this Act, unless the context otherwise requires,—

(1) “Command area” means an area irrigated or capable of being irrigated either by gravitational flow or by lift irrigation or by any other method, under any major or medium irrigation system, project, to be specified by notification by CAD Board;

(2) “Command area development work” means any work undertaken under this Act;

(3) “Comprehensive command area development” includes:—

(a) systematic land development for conservation of land and water;

(b) water use management for optimum use of water, including irrigation by turns, volumetric measurement of water and other enabling measures to avoid waste, water logging, salinity, alkalinity and the like;

(c) conjunctive use of surface and ground water for multiple cropping and proper utilisation of available water resources;

(d) regulation, maintenance and repairs of irrigation systems;

(e) bringing the land records upto date for consolidation of land holdings, land survey and mapping;

(f) realignment of field boundaries and consolidation of land holdings under a pipe outlet or under an adjacent pipe outlet, for efficient farm management;

(g) grouping of small holding in a contiguous area nearer the outlet and larger ones further away;

(h) all round development of the farms in the areas pertaining to agriculture, horticulture, sericulture, farm forestry, animal husbandry, fisheries, communication, agro-based industry and co-operation;

(4) “Command Area Development Board” or CAD Board means a statutory body constituted under section 3 of the Act;

(5) “Chairman” means the Chairman of the Command Area Development Board, unless and otherwise specified/referred as Chairman(s) of any other Body, Institution, Corporation, etc. under this Act;

(6) “Credit Incharge” means an Officer of the rank of Assistant Registrar of Co-operative Societies of the office of the Registrar of Co-operative Societies on deputation to CAD Board;

(7) “Deputy Director of Agriculture” means an Officer of CAD Board not below the rank of a Deputy Director of Agriculture of Agriculture Department deputed to the CAD Board;

(8) “distribution system” includes:—

(a) all main canals, branch, distributories, minor canals and water courses constructed for the supply and distribution of water for irrigation;

(b) all works, structures and appliances connected with the distribution of water for irrigation;

(c) all field channels and farm channels and related structures under a pipe outlet;

(9) “drainage system” includes:—

(a) channels, either natural or artificial, for the discharge of waste or surplus water and all works connected therewith or ancillary thereto;

(b) escape channels from an irrigation or distribution system and other works connected therewith but does not include works for removal of sewage;

(c) all connecting drains and main drains to drain off surplus water from field drains;

- (d) all field drains and related structures under pipe-outlet;
- (10) "Executive Engineer/Canal Officer" means an Officer of the rank of Executive Engineer of a Works Division of Irrigation Department on deputation to CAD Board with all powers as delegated to the Officer of equivalent rank in Irrigation Department and in addition the powers of Canal Officer empowered by the Goa, Daman and Diu Irrigation Act, 1973 (Act 17 of 1973);
- (11) "farm road" means a road serving lands under a pipe outlet;
- (12) "financing agency" means any commercial bank or any co-operative society, including a co-operative agricultural development bank, the main object of which is to lend money or any Regional Rural Bank established under the Regional Rural Banks Act, 1976 (Central Act 21 of 1976); and includes any other agency selected for providing credit facility for comprehensive command area development;
- (13) "field channel"/"water course" means a channel constructed or to be constructed by the Government or by the land holder or by any other agency to receive and distribute water from a pipe outlet and having capacity not exceeding 1.5 cusec discharge or 0.042 cumec. discharge;
- (14) "field drain" means a channel excavated and maintained by the land holder or by any other agency on his behalf to discharge waste or surplus water from the land holding under a pipe outlet; and includes drains, escape channels and other similar works constructed or to be constructed and maintained by the owners or occupiers or by the Government;
- (15) "Government" means the Government of the State of Goa;
- (16) "Ineligible person" means a person not eligible for ordinary land development loans and belonging to one of the following categories, namely:-
- (i) Farmers occupying the lands without any valid title to mortgage such lands;
 - (ii) minors without guardians;
 - (iii) Farmers occupying the Government land which have not been assigned to them, or Government lands assigned but which revert to the Government in case the assignee mortgages the same;
 - (iv) Land holders unable to get loan from any credit agency because of overdues which are to be cleared before obtaining any loan for further capital investment; and
 - (v) Farmers who are unwilling to apply for land development loans;
- (17) "Input and Extension In-charge", "Soil Survey Incharge" and "Water Management Specialist" mean the Officers of the rank of Agriculture Officers (Grade I) of Agriculture Department on deputation to (Office of) the CAD Board;
- (18) "Irrigated dry land" or "irrigated land" means localised for light irrigation of crops, other than paddy, sugarcane and banana;
- (19) "Irrigation Officer" in relation to a command area means an Officer of the Revenue Department not below the rank of the Revenue Sub-Division Officer having jurisdiction over such area or an Officer of the Command Area Development Board not below the rank of an Assistant Engineer, exercising control over the irrigation system in the command area and includes any other officer appointed by the Government to perform the functions of an Irrigation Officer under this Act.
- (20) "Irrigation system" includes—
- (a) the distribution system; and
 - (b) the drainage system;
- (21) "irrigation system under a pipe outlet" includes the field channels and field drain, with all the related structures including roads thereto;
- (22) "land holder" means a person in actual possession of the land, whether as an owner or as a tenant or sub-tenant or as a mortgagee in possession or as a licensee, or otherwise and includes a person who is likely to be benefitted by the Command Area development work, and the expression "land holding" shall be construed as land held by a land holder;
- (23) "Member" means the member of the Command Area Development Board, unless and otherwise specified/referred as member of any body, institution, corporation etc. under this Act;
- (24) "Notification" means a Notification published in the Goa State Gazette and the expression "notified" shall be construed accordingly;
- (25) "pipe outlet" means an opening or contrivance constructed by the State Government in an irrigation system through which water is delivered for irrigation at the periphery of the localised area ordinarily not exceeding 40 hectares;
- (26) "prescribed" means prescribed by rules made under this Act;
- (27) "Scheduled Castes" and "Scheduled Tribes" shall have the same meaning as assigned to them in the Constitution;
- (28) "Small farmer" means a person who hold, whether as owner, tenant or mortgagee with possession or partly in one capacity or partly in another capacity a land, as defined for the purpose of availing of RDA Schemes in Goa;
- (29) "Superintending Engineer CAD" means an Officer of the rank of Superintending Engineer of Irrigation Department on deputation to CAD Board, with all powers as delegated to the officer of equivalent rank in Irrigation Department;
- (30) "systematic land development" includes all or any of the following works:—

(a) construction of field channels and water courses with related structures;

(b) construction of field drains with related structures;

(c) land shaping, including grading levelling, bunding and the like;

(d) realignment of field boundaries and rectangularisation of plots and consolidation of land holding under a pipe or under an adjacent pipe outlet, wherever necessary, for efficient farm management;

(e) lining of field channels, wherever necessary, with suitable material to prevent seepage of water;

(f) construction of farm roads with related structures;

(31) "Water Distribution Co-operative Society" also called "Pani Vantap Vyavastha Sahakari Saunsta Maryadit" means co-operative society of farmers of command area of any irrigation project formed at a hydraulic Unit like water course(s) and registered under the relevant Co-operative Societies Act, for the purpose of efficient water management and implementation of CAD programmes;

(32) "wet land" means land localised for heavy irrigation crops, like paddy, sugarcane and banana.

CHAPTER - II

3. *Constitution of CAD Board.*— (1) As soon as may be after the commencement of this Act, the Government may, by notification in the Official Gazette, constitute one or more Command Area Development Boards (hereinafter called the 'CAD Boards') for the command area of each major and medium irrigation projects in the State of Goa. Such Board(s) shall have autonomy in administrative and financial matters.

(2) The Command Area Development Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

(3) The CAD Board shall be named as "Command Area Development Board".

4. *Composition of the Command Area Development Board.*— The Command Area Development Board shall comprise of the following members, namely:—

(i) The Minister-in-charge of Command Area Development Programme/Irrigation of the Government of Goa—Chairman;

(ii) The concerned Members of the Legislative Assembly and Parliament, as members of the Command Area Development Board;

(iii) The Secretary, CAD/Irrigation as Chief Executive of the of the CAD Boards;

(iv) The Secretary, Finance or his representative not below the rank of Joint Secretary, Finance, as Member;

(v) The Chief Engineer, Irrigation, Government of Goa, as Member;

(vi) The Superintending Engineer, Command Area Development Board, as Member-Secretary;

(vii) The Director of Agriculture, Member;

(viii) The Registrar of Co-operative Societies, Member;

(ix) The Director of I.C.A.R., Member;

(x) The Director of Veterinary Services, Member;

(xi) The Sr. hydrogeologist, Ground Water Cell, Member;

(xii) The Chairman-cum-Managing Director, Goa Horticulture Development Corporation, Member;

(xiii) One Deputy Collector (Revenue) having jurisdiction in the Command Area of respective CAD Board, as Member;

(xiv) One representative of the Government of India to be nominated by the Ministry of Water Resources, as Member;

(xv) Four elected representatives of Panchayat Raj Institution within the Command Area of CAD Board, to be nominated by the Government as Members;

(xvi) Seven Chairmen of Registered Water Distribution Co-operative Societies, formed within the jurisdiction of Command Area of CAD Board, to be nominated by the Government as Member;

(xvii) Two representatives from NGOs, to be nominated by the Government as Members;

(xviii) One academician to be nominated by the Government, as Member;

(xix) Five progressive farmers of the respective Command Area to be nominated by the Government as Members.

5. *Disqualification for the membership of the Command Area Development Board.*— A person shall be disqualified for being nominated as, and for being, a member of the Command Area Development Board, if he,—

(a) had been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or

(b) is of unsound mind and is so declared by a competent court, or

(c) is an undischarged insolvent, or

(d) has been removed or dismissed from the service of the Central Government or the State Government or a Corporation

owned or controlled by the Central Government or the State Government or from the membership of the Command Area Development Board; or

(e) has directly or indirectly, by himself or by his partner, any share or interest in any work done by the order of the Command Area Development Board or in any contract or employment with or under by or on behalf of the Command Area Development Board.

(f) is employed as a legal practitioner on behalf of the Command Area Development Board or accepts employment as legal practitioner against the Command Area Development Board.

6. *Term of Office.*—(1) The Chairman shall hold the office of Command Area Development Board as long as he holds Office of Minister for Irrigation/CAD, Government of Goa. No sooner he relinquishes the Office of the Minister for Irrigation/CAD, he shall automatically cease to be the Chairman of the Command Area Development Board and under such circumstances, the Chief Executive of the Board shall officiate.

(2) The terms of the concerned Members of the Legislative Assembly and Parliament as Member of the Command Area Development Board shall be for a period of 5 years or so long as they continue to be the MLAs or MPs of the concerned area, whichever is earlier.

(3) Elected representative of Panchayat Raj Institutions shall continue to be the Member/s for a maximum period of 5 years or so long as they continue to be members of Panchayat Raj Institution, whichever is less.

(4) Chairman of registered water distribution co-operative societies shall continue to be the Member of the Board as long as he holds the office of Chairman of such society or for a period of 5 years, whichever is less.

(5) The terms of the nominated representatives from NGOs, academician and the progressive farmers shall be for 5 years.

7. *Casual vacancies.*— Any casual vacancy caused by the resignation of a member or by any other reason may be filled by the Government by nomination, and such person shall hold the Office for the remaining period for which the member in whose place he is nominated would have held office.

8. *Meeting of the Command Area Development Board.*—(1) The Command Area Development Board shall meet at least once in three months, generally in the Secretariat of the Government or at such other place as decided by the Chairman of the CAD Board and observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations.

(2) The Chairman or in his absence any member chosen by the members present among themselves shall preside at a meeting of the Command Area Development Boards.

(3) If any Government Officer of Command Area Development Board is unable to attend any meeting of the Command Area Development Board, he may, under intimation to the Chairman, authorise his immediate sub-ordinate Officer in writing, to attend the same on his behalf.

(5) Quorum for a meeting of the Command Area Development Board shall be minimum of 50% of total strength.

9. *Composition of CAD Circle and its Divisions.*— For the purpose of discharge of duties and functions of the Command Area Development Board as specified in section 10 of the Act, following staff of the Irrigation, Agriculture, Co-operative and Accounts Department of the Government of Goa, shall be deputed to the CAD Office of the Command Area Development Board. It will function as one of the Circle of Irrigation Department so far as technical contract is concerned. The Superintending Engineer CAD will be reporting to the Chief Executive of the Command Area Development Board through the Chief Engineer, Irrigation Department.

(1) A Superintending Engineer with full staff strength of a Circle Office of the Irrigation Department along with one or more Deputy Director of Agriculture and three or more Agriculture Officers, Grade I, one or more Officer, of the rank of Asst. Registrar of Co-operative Societies, one or more Accounts Officer, will be deputed from respective Departments. This will be called CAD Board Circle Office.

(2) Three or more Executive Engineers with full divisional component Sub-Divisional Staff of Irrigation Department i.e. one Division each for S.I.P., T.I.P. and A.I.P., all on deputation from Irrigation Department will work under the above said Circle Office of Command Area Development Board. These Divisions will be called CAD Divisions.

(3) Agriculture Foremen to be appointed by the Command Area Development Board as per the requirement.

CHAPTER III

10. *Function of the Command Area Development Board.*— The Command Area Development Board shall supplant the existing CAD Authority. The functions of the Command Area Development Board shall be as follows:—

(i) To lay down policy guideline for the implementation of CAD Programme;

(ii) To disburse Central assistance and the Governments' share to Water Distribution Co-operative Societies for the works entrusted to them;

(iii) To provide technical assistance and guidance to Farmers' Associations, Water Distribution Co-operative Societies;

(iv) To coordinate the activities of different departments involved in the implementation of CAD Programme;

(v) To maintain the accounts of amounts disbursed and to give utilisation certificate to the Government and the Union Government;

(vi) To guide, supervise and monitor the work of Water Distribution Co-operative Societies;

(vii) To develop ground water to supplement surface irrigation;

(viii) To help the Farmers' Associations, Water Distribution Co-operative Societies in selection and introduction of suitable cropping pattern;

(ix) Carry out soil survey and prepare Geographical Information System;

(x) To develop marketing and processing facilities and communications;

(xi) To organise annual agricultural fairs, seminars and workshops and exhibitions, etc. to motivate the farmers;

(xii) To diversify agriculture and develop activities like animal husbandry, farming, poultry, etc;

(xiii) To carry out assessment and reclamation of water-logged areas;

(xiv) To act as a catalyst for formation of Water Distribution Co-operative Societies;

(xv) To determine the payment of compensation to the affected person as provided in sub-section (4) of section 16 of this Act; through the CAD Circle Office;

(xvi) To carry out on farm development works which includes construction of water course, field channel, warabandhi, land levelling and shaping, scientific crop planning suitable to local soil and climatic condition;

(xvii) Providing extension facilities like demonstration on farmers field and training of farmers;

(xviii) To propose and initiate the work of realignment of field boundaries and or consolidation of holdings and get the same carried out by the authorities concerned within the framework of the provisions of the Goa Land Revenue Code, 1968 (9 of 1969) and the rules made thereunder, to facilitate the viable units/holdings for economic and efficient water management.

CHAPTER - IV

11. *Duties of C. A. D. Circle and its Divisions.* — The duties of the C. A. D. Circle and its Divisions shall be as follows:—

(i) Assuming responsibility for formation of Water Distribution Co-operative Societies;

(ii) Disbursement of fund to Water Distribution Co-operative societies as received from the Government and Union Government;

(iii) Providing technical assistance to Water Distribution Co-operative Societies;

(iv) Maintenance of the accounts;

(v) Maintenance of register of all agreements entered into between CAD establishment and Water Distribution Co-operative Societies;

(vi) Training of farmers to form Associations/Societies;

(vii) Giving utilisation certificate of grants received from Union Government;

(viii) recommend simultaneously for amendment to the relevant Irrigation Act to provide for water distribution Co-operative societies and takeover of the system (participatory irrigation management);

(ix) Hand over the system ceremoniously to Water Distribution Co-operative Societies. The advantage of ceremonial transfer is that all the farmers in the jurisdiction of the Water Distribution Co-operative Societies would come to know about it;

(x) Initiate Action Research Programme for one project in the State where transfer process could be scaled up to distributary branch level;

(xi) Entering into agreement with Water Distribution Co-operative Societies;

(xii) Supply of water to Water Distribution co-operative Societies (W.D.C.S.) as per agreement;

(xiii) Providing maintenance grants to Water Distribution Co-operative Societies. The amount given by the Government to CAD Board for maintenance of tertiary system should be passed on to the Water Distribution Co-operative Societies;

(xiv) Construction and maintenance of the system down to minor/water course level to carry the designed supply;

(xv) to carry out on farm development works including water courses, field channels, warabandhi, land levelling and shaping, scientific crop planning suitable for local soil and climatic condition.

(xvi) Providing extension facilities like demonstration on farmers field and training of farmers;

(xvii) Maintenance of the equipments for measuring the supply of water at the off take of minor/water course;

(xviii) Preparation of bills seasonwise and send to Water Distribution Co-operative Societies for payment;

(xix) Recovery of water fees from the Water Distribution Co-operative Societies/Farmers and credit the same to Government treasury from time to time.

12. *Duties of Water Distribution Co-operative Societies.* — The following shall be the duties of the Water Distribution Co-operative Societies, namely:—

(i) Establishment and updating register of members;

(ii) Preparation of Cropping Plan in consultation with Agriculture Officials of C.A.D.A. at the beginning of irrigation season;

(iii) Receiving water in bulk on volumetric basis or area-crop basis from C.A.D.A;

(iv) Payment of water fees to Command Area Development Board;

(v) Delivering water to the registered members;

(vi) Arranging supply of water to non-members at differential rate;

(vii) Taking the execution of works of Water Courses and field channels of capacity not exceeding 1.50 cusec. Implementation of Warabandi, Agriculture demonstration and maintenance of accounts and submission of accounts to Command Area Development Boards regularly;

(viii) Operation and maintenance of the infrastructure transferred to them;

(ix) Maintenance of water accounts;

(x) Recovering of water rates from the farmers in its jurisdiction;

(xi) Educating of farmers in applying new technology.

13. *Duties of each member of the Water Distribution Co-operative Societies.* — Each member of the Water Distribution Co-operative Society shall perform the following duties, namely:—

(i) Submission of cropping plan at the beginning of season of Water Distribution Co-operative Societies, and applying for irrigation water;

(ii) Participation in election of officials of Water Distribution Co-operative Societies;

(iii) Payment of dues of water rates;

(iv) Abiding by bye-laws of Association/Society;

(v) Usage of water efficiently;

(vi) Ensuring that no damage is caused to irrigation structure;

(vii) To use water for irrigation economically and without wastage by adopting such techniques and regime as may be prescribed by the C.A.D. Authority.

(viii) Obligation of the land holder to take steps to maximise production from his land by adopting such scientific and modern techniques of farm management as may be notified, from time to time, by such authority, as may be prescribed under this Act;

(ix) to take such precautionary and preventive measures by land holder as may be necessary so as not to cause damage to the adjacent land holdings.

CHAPTER - V

14. *Formation of units and power of Command Area Development Board to specify Command Areas for comprehensive land development.*— (1) All lands comprising the Command Area under one or more pipe outlet shall form into a single unit for the purpose of:—

(i) Comprehensive land development;

(ii) Maintenance and upkeep of irrigation system.

(2) The Command Area Development Board may, by notification, specify the command areas under its jurisdiction in which all or any of the works under comprehensive land development shall be taken up in one or more instalments and also specify the officers for command area development work in such command area.

(3) Whenever it appears to the Command Area Development Board that the systematic land development including construction of related structures is expedient for the supply of water to the lands immediately after or simultaneously with the availability of water in the main irrigation system, the Command Area Development Board may, by notification, declare the command area under an irrigation system, or project or source for the purpose of applying the provisions of this section.

(4) On the issue of the notification, the Canal Officer or any official authorised by him, shall have power to—

(a) enter upon any land and make survey of such land to determine the most suitable alignment for the construction of necessary structures so as to convey water to every land under a pipe outlet and mark out the land which, in his opinion, is necessary for the construction of such structures;

(b) enter upon any land in the command area of an irrigation system or lands adjacent thereto and undertake survey or take levels thereon for preparing a Scheme for comprehensive land development;

(c) dig and bore into the top soil or sub-soil and collect soil samples for the purpose of technical investigation without causing any loss or damage to the structure, tree or crops standing thereon and any hole or pit caused thereon shall be made good by the Canal Officer or any Official authorised by him;

(d) make and set up suitable land marks, and level marks for the said purpose;

(e) do all other acts necessary for the proper conduct of any inquiry or investigation relating to any existing or proposed Scheme for comprehensive command area development;

(f) enter upon any land or building and clear obstructions such as shrubs and bushes and other obstructions for the purpose of regulating the use of water supplied or inspection or measurement of the lands irrigated thereby and of doing all things necessary for the proper regulation and management of land and water;

Provided that if the Canal Officer or any other person authorised in this behalf proposes to enter into any building or any enclosed courtyard attached to a dwelling house, he shall give the occupier of such building or courtyard at least a day's notice in writing of his intention to do so; if the occupier denies entry on oral request.

(5) The Canal Officer shall ensure that no loss or any damage is caused in the process of survey, inspection, investigation or any of his other acts in the lawful discharge of his duties. However, if any damage or loss is caused, then, on the written request of the affected person, a suitable compensation shall be determined by the Superintending Engineer, CAD, whose decision shall be final in this regard and binding on the parties concerned and the Canal Officer shall pay the compensation accordingly.

15. *Formation and registration of water distribution Co-operative societies.*— (1) When the Command area having not less than 100 hectares in area or less, as may be approved by C&D Board under a single hydraulic or more Unit(s) is identified, the farmers/beneficiaries of that Command Area shall be advised to form water distribution co-operative society by the concerned Canal Officer. Then, the Canal Officer shall supply the list of such farmers and the Command area map of that unit to the Credit-In-Charge, who in turn shall take up the job of conducting a meeting of farmers/beneficiaries, forming of society, preparation of feasibility report and making all other necessary formalities. Then, the Superintending Engineer, Command Area Development Board Circle, shall recommend to the Registrar of Co-operative Societies to register the society. The Credit-In-Charge shall follow up the process with the Registrar of Co-operative Societies and get the Society registered.

(2) As soon as the society is registered, the concerned Canal Officer shall hand over the existing water distribution system by executing the approved agreement with the Chairman of the society. The Central and State assistance shall be released to the society for performing its functions. The Credit-In-Charge shall render all necessary guidance to the society in performing its functions and duties and ensure the smooth functioning as stipulated in the Co-operative Societies Act or this Act.

CHAPTER - VI

16. *Preparation of the Schemes.*— (1) The Command Area Development Board shall prepare a Scheme for the comprehensive development of the Command Area or any phase of it generally in accordance with the Command Area Development Schemes as laid down as per guidelines issued by the Government of India, Ministry of Water Resources. Only in such cases, where the local climatic, soil and other conditions demand any modification, the Command Area Development Board shall make such modification as may be necessary.

(2) Any Scheme so prepared shall, amongst others, set out the following, namely:—

- (a) area proposed to be covered under the Scheme;
- (b) the work or works to be executed;
- (c) the phasing of the Scheme, both areawise and workwise;
- (d) the sketch plan of the area proposed to be covered under the Scheme;
- (e) the re-location or the realignment, if any, of a pipe outlet or the existing irrigation system;
- (f) the survey numbers covered;
- (g) field boundaries as existing and as proposed;
- (h) the compensation to be given to or recovered from the land-holders or Water Distribution Co-operative Societies, as the case may be;
- (i) the cost involved in the Scheme as well as in each phase thereof;
- (j) the charges or dues to be levied on the beneficiaries; and
- (k) such other matters and particulars as may be prescribed.

(3) The Command Area Development Board shall also, from time to time, make and take up any new or additional Schemes in the Command Area.

(4) The Scheme shall provide for the payment of compensation to any affected land holder for the reduction in the extent of his holding under the above Scheme and for recovery of compensation from any other land holder who is benefitted in getting more extent of land under the Scheme. The amount of compensation shall be determined so far as practicable in accordance with the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894):

Provided that nothing in sub-section (4) shall preclude the determination of the amount of compensation by agreement with the benefitted and affected land-holders and thereupon the amount so determined shall be the amount payable to such affected land-holder.

17. *Procedure on completion of preparation of the Scheme.*— (1) When a development Scheme has been prepared, except in

case of construction of field channels, the CAD Board shall, by notification, publish the same in the Official Gazette inviting objections and suggestions, if any, from all persons likely to be affected thereby, within thirty days from the date of such publication in the Official Gazette.

(2) The notification shall also be published in the village chavadies, the notice boards of the office of the concerned village panchayats, the notice boards of the concerned taluka offices and the offices of the District Collector within whose jurisdiction the lands proposed to be included in the Scheme are situated.

18. *Sanction of the Scheme.*—(1) After the publication of the Scheme as aforesaid and after considering the objections, if any, received in respect thereof, the CAD Board shall, after making such modifications therein as it deems necessary, sanction the Scheme.

(2) The Scheme as sanctioned under sub-section (1), shall be notified in the Official Gazette and shall be published in the manner specified in sub-section (2) of section 17.

19. *Consequences of notification.*— Upon the sanction of the Scheme or any phase thereof by the Command Area Development Board under section 18 (hereinafter called as the 'approved Scheme'), the following consequences shall ensue, namely:—

(1) The Command Area Development Board may require any department of the Government, any statutory or corporate body controlled by the Government functioning within the area of operation of the approved Scheme to follow such directions in respect of such matters as are specified in the approved Scheme.

(2) All development plans relating to land development drawn by any department of the Government or any local or statutory authority or body, or any corporation controlled by the Government shall be intimated to the CAD Board and shall be executed with its approval and subject to such modifications or changes, if any, as the CAD Board may suggest and also subject to such directions as the CAD Board may give.

(3) The Command Area Development Board shall be empowered to take all necessary action for the implementation of the approved Scheme including levy of cost of works and other charges and to give directions to land holders with regard to the following matters, namely:—

- (a) the crops which are to be raised and the rotation of such crops;
- (b) provision for drainage in the farm;
- (c) distance of wells, tube-wells, pumps and other sources of irrigation from the distribution system;
- (d) erection and removal of fences over lands;

(e) submission of returns within such time and in such manner as may be provided by regulations containing a true and accurate statement regarding the following matters, namely:—

(i) area of land cultivated by him, the classification of such land, his interest therein and encumbrances on such land, if any;

(ii) the nature and quantity of agricultural produce raised by him;

(f) Such other matters as may be specified by regulations.

20. *Execution of the Scheme.*—(1) Upon the sanction of the Scheme, the Command Area Development Board may execute the same through such agency as it deems fit, except such Schemes which are to be executed by the Water Distribution Co-operative Societies as specified under section 12 (vii) of this Act. However, in the area where no such Water Distribution Co-operative Societies are in existence, the CAD Board may execute these works also through such agency as it deems fit.

(2) In order to provide for the physical planning for the purpose of effective water management and economically viable crop production in a block of field, the Command Area Development Board, if and wherever found necessary, shall propose the realignment of boundaries and consolidation of small and fragmented holdings and get the same carried out within the framework of the Goa Land Revenue Code, 1968 (9 of 1969) and the rules made thereunder.

CHAPTER - VII

21. *Regulation of irrigation and water use management and power of Canal Officer to regulate irrigation system.*— The Canal Officer shall, having regard to the availability of water and other factors, have power to regulate the supply of water from an irrigation system upto and below a pipe-outlet and specify:—

- (a) the time for letting out water for irrigation;
- (b) the duration of supply;
- (c) the quantity of supply; and
- (d) the different areas to be supplied at different times.

Explanation.— Water shall be deemed to have been supplied, if it is made available, at the pipe-outlet, whether or not it is used for irrigation of land under a pipe-outlet and therefore chargeable at the normal rate.

22. *Liability for unlawful use of water or when water runs to waste.*—(1) If water supplied from an irrigation system is put to unauthorised or unlawful use, the person by whose act or negligence such use has occurred, or if such a person cannot be identified, the person or all the persons or through whose land water has flowed and the land is benefitted therefrom, or the person or all the persons chargeable in respect of the water

supplied from such irrigation system, or the Water Distribution Co-operative Society under whose jurisdiction such unauthorised or unlawful use of water has occurred, shall be liable, severally or jointly, as the case may be, for the imposition of such charge as may be levied by the Canal Officer or any other authority thereof or under the relevant law for the time being in force.

Explanation:— For the purpose of this section, the use of water for irrigating an area in the following manner shall constitute unauthorised or unlawful use, namely:—

- (i) When an area is not localised under an irrigation system;
 - (ii) When an area which is localised as irrigated dry, is irrigated as wet;
 - (iii) When an area localised for a single crop is irrigated for a double crop;
 - (iv) When an area which is localised for one particular season is irrigated in the season for which it is not so localised;
 - (v) When an area is irrigated unauthorisedly by breaching or cross bunding an irrigation system;
 - (vi) When an area is irrigated by pumping water without prior permission of the Canal Officer;
 - (vii) When an area is irrigated with a crop in contravention of cropping pattern specified under section 27 of this Act;
 - (viii) When an area is irrigated otherwise than in accordance with the schedule of water allocation prepared by the prescribed authority indicating the day, time and duration of supply for which any person is entitled to receive water.
- (2) Where water supplied through a field channel is allowed by any person to run to waste, the person by whose act or negligence such water was allowed to run to waste, or if, after inquiry such person cannot be found, the person or all the persons chargeable or the Water Distribution Co-operative Society in respect of the water supplied from such irrigation system, shall be liable, severally or jointly, as the case may be, for the imposition of a charge which shall be made in the prescribed manner in respect of the water so wasted.
- (3) The levy of charges for unauthorised or unlawful use of or wastage of water shall not be a bar for launching prosecution for any offence connected with such use or waste.
- (4) All charges for the unauthorised or unlawful use or for waste of water may be recovered as water rates, in addition to any penalties imposed on account of such use or waste of water.
- (5) Any question arising under this section shall be decided by the Canal Officer and any person aggrieved by the order of the Canal Officer may prefer an appeal to the Superintending Engineer, Command Area Development Board, within fifteen days from the date of making of the order and the decision of the Superintending Engineer, C.A.D. Board, shall be binding on both the parties.

23. *Stoppage of water supply.*— (1) It shall be lawful for the Government or Canal Officer or any Officer authorised by them in this behalf, to stop the supply of water to any Water Distribution Co-operative Society, to any land holding or field channel or to any person who is entitled to such supply under all or any of the following circumstances, namely:—

- (a) Whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by the competent authority;
 - (b) Whenever and so long as any field channel by which such supply is received, is not maintained in such repair as to prevent the wasteful escape of water thereof;
 - (c) Whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water;
 - (d) During the periods fixed, from time to time, by the Irrigation Officer of which due notice has been given;
 - (e) Whenever there is diminution in the supply of water in the irrigation system due to any natural or seasonal causes and thereby so long as it is necessary to do so;
 - (f) Whenever there are floods or heavy rains in the Command Area and thereby so long as it is necessary to do so.
- (2) No claim shall be allowed against the Government or Canal Officer or any person authorised by them, for compensation in respect of any damage arising out of—

- (a) deterioration in climate or soil; or
- (b) stoppage or diminution of the supply of water where such stoppage or diminution is due to:—
 - (i) any cause beyond the control of the authority in charge of the irrigation system;
 - (ii) the execution of any repairs, alterations or additions to the irrigation system;
 - (iii) any measures considered necessary by the Canal Officer for regulating the proper flow of water in the field channel or for maintaining the established courses of irrigation; or
 - (iv) circumstances mentioned in clauses (a) to (f) of sub-section (1).

24. *Supply of water for irrigation of one or more crops.*— Where water from an irrigation system is supplied for the irrigation of one or more crops as specified by the Canal Officer, the right to use such water shall be deemed to continue only until such crop or crops shall come into maturity, and to be lawful only in respect of such crop or crops.

25. *Settlement of disputes regarding distribution of water.*— (1) Whenever a dispute arises between two or more land-holders

in regard to their natural rights or liabilities in respect of the use or maintenance of field channel, any such land-holder may apply in writing to the Water Distribution Co-operative Society stating the matter in dispute.

(2) On receipt of an application under sub-section (1), the Water Distribution Co-operative Society shall give notice to the other persons interested to appear before it on a day to be specified in such notice, and shall proceed to enquire into such matter and after the enquiry, the Water Distribution Co-operative Society may try to bring about a compromise between the parties and if such a compromise cannot be brought, it shall, after hearing the parties concerned, pass such an order as it deems fit:

Provided that if any dispute arises between the land holders and the Water Distribution Co-operative Society regarding the sharing of costs to be borne by one or more land-holders, any such land-holder may, after paying the cost apportioned to him by the Water Distribution Co-operative Society, prefer an appeal to the Canal Officer within seven days of such payment, and the Canal Officer shall, after giving an opportunity to the aggrieved land-holders, decide the pro-rata sharing of expenses between the land-holders, and his decision thereon shall be final and binding on all the land-holders.

(3) The Canal Officer within whose jurisdiction the pipe-outlet is situated, may suo motu or on an application made in this behalf by an aggrieved person within fifteen days from the date of the order passed by the concerned Water Distribution Co-operative Societies under sub-section (2), revise such order:

Provided that where the Water Distribution Co-operative Society does not pass an order within fifteen days from the date of receipt of an application under sub-section (1), the Canal Officer may himself pass an order on the matter in dispute.

CHAPTER - VIII

26. *Power to specify principles of localisation.*—(1) Subject to such rules as may be made in this behalf, the Command Area Development Board may, having regard to resources of land and water, nature of soil, climate and other technical considerations, by an order, specify for each command area, principles of localisation for the purpose of irrigation.

(2) The Command Area Development Board may, having regard to the advances in technology of land and water management and other agronomic practices, alter, from time to time, by an order, the principles of localisation so specified for any command area.

Explanation:— The term “principles of localisation” shall include the prescription of season of the irrigation, the type of irrigation, such as wet, irrigated dry, double crop or single crop, or perennial irrigation.

27. *Classification of lands for raising different crops according to availability of water.*— Subject to such directions as may be issued from time to time by the Command Area Development Board, the Canal Officer may, in any year, having regard to the quantity of water available in any irrigation system within his jurisdiction, classify, by an order, within such time and in such manner as may be prescribed, lands under the said irrigation system for the purpose of raising such kind of crops on each class of land as may be specified in the order, and regulate the supply of water for irrigation accordingly.

28. *Power to prohibit growing of certain kinds of crops and to regulate the period of sowing and duration of crops.*— (1) Whenever the Command Area Development Board is satisfied that for the better cultivation of land and the optimum utilisation of water resources of an irrigation system or for accelerated land development or for any other reasons, it is expedient in the public interest to regulate the cropping pattern, the period of sowing and the duration of crop, then, it may, by notification, make declaration to that effect.

(2) On the making of a declaration under sub-section (1), the Canal Officer may specify, by notification published in such manner as may be prescribed, the kinds of crops that shall not be grown on any land under such irrigation system and the periods of sowing and duration in respect of non-prohibited crops thereof.

(3) On the publication of the notification under sub-section (2), no person shall grow any such crops as is prohibited by the notification on any land under such irrigation system and no person shall sow or plant any other crop at any period or allow such crop to remain beyond the duration specified in respect thereof in such notification.

CHAPTER - IX

29. *Credit facilities to the farmers.*— The Credit-in-charge shall draw up the annual credit requirement of the farmers coming under the Command Area on the basis of recommended cropping pattern. He shall liaison with the Lead Bank and other financial institutions to facilitate timely flow of financial assistance to the needy and eligible farmers during the cropping season for all types of agricultural related activities. In cases where Water Distribution Co-operative Societies are functional, the farmers shall obtain the recommendation from the concerned Society. The Credit-in-charge shall then scrutinise the same and report to the Superintending Engineer C.A.D. who shall then recommend the case to the said financial institution.

CHAPTER - X

30. *Special powers of Command Area Development Board in dealing with the cases of lands falling under command area but left fallow.*— (1) No sooner the particular patch of land in the Command Area is provided with irrigation facility or found technically feasible for irrigation, it shall be obligation of the concerned land-holder to cultivate the said land and he is liable to pay charges at the prevailing water rate, whether or not the water is used by him for irrigation of land.

(2) Except in case where land is in litigation in a court of law, if the land-holder fails to cultivate the above said fallow but cultivable land for a period of two consecutive years, the Command Area Development Board shall have power to levy and recover the water charges of the regulated crop for the given location as per the notification under section 28(1) of this Act and in addition to this, the Command Area Development Board shall also have power to impose fine which shall be revisable every five years, on the land-holder as per the Table here-below and to recover the same as arrears of land revenue.

TABLE

| Sr. No. | Category of land | Fine in Rupees to be imposed per irrigation season per hectare. |
|---------|------------------------|---|
| (1) | (2) | (3) |
| (1) | Garden Crop. | Rs. 4200/- |
| (2) | Rice Land: | |
| | (a) Kher | Rs. 1500/- |
| | (b) Khajan (Reclaimed) | Rs. 750 |
| | (c) Morod | Rs. 1000/- |
| (3) | Sugarcane | Rs. 3500/- |
| (4) | Vegetables | Rs. 3400/- |
| (5) | Pulses/Oil Seeds | Rs. 3750/- |

CHAPTER XI

31. *Funds of the Command Area Development Board.*— (1) The Command Area Development Board shall have and maintain a separate fund to which shall be credited:—

(a) all moneys received by the Command Area Development Board from the Government by way of grants, loans, advances or otherwise;

(b) grant-in-aid and loans made available by the Central Government for developmental activities in the Command Area under the Central Sector Schemes;

(c) any other funds provided for taking up any of the various development activities for specified programmes;

(d) all other funds received by the Command Area Development Board from any other source.

(2) The fund shall be applied for the purpose of the Act in such manner as may be prescribed.

32. *Budget of the Command Area Development Board.*— The Command Area Development Board shall prepare in such form and at such time every year as may be prescribed, a budget for the next financial year showing estimated receipts and expenditure of

the Command Area Development Board in respect of the administration of the Act, and shall forward to the Government or such other authority, such number of copies thereof as may be prescribed.

33. *Accounts and audit.*— (1) The Command Area Development Board shall maintain true and proper accounts in consonance with CPWD Code and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed.

(2) The accounts of the Command Area Development Board shall be subject to audit annually by such officer as may be authorised by the Director of Accounts of the Government and as certified by him together with audit report thereof, shall be forwarded annually to the Government.

34. *Annual reports.*— The Command Area Development Board shall prepare for every year a report of its activities under this Act during that year and submit the report to the Government in such form on or before such date as may be prescribed and the Government shall cause the same to be laid before the House of the Legislature.

CHAPTER - XII

35. *Penalties.*— (1) Whoever, voluntarily or without proper authority,—

(a) damages, alters, enlarges, or obstructs any irrigation system under a pipe outlet;

(b) interferes with, increases, or diminishes the water supply in or the flow of water from, through, over or under any irrigation system under a pipe-outlet;

(c) being responsible for maintenance of the irrigation system under a pipe-outlet, neglects to take proper precautions for prevention of wastage of the water thereof or interferes with the authorised distribution of water therefrom or uses water in an unauthorised manner or in such manner as to cause damage to the adjacent land holding;

(d) corrupts or fouls, the water of any irrigation system under a pipe-outlet so as to render it less fit for the purpose for which it is ordinarily used;

(e) destroys, defaces or removes any level marks or water-gauge or any other work or sign fixed by the Command Area Development Board or a public servant;

(f) opens, shuts or obstructs or attempts to open, shut, or obstruct any sluice or outlet or any other similar contrivance in any irrigation system under a pipe-outlet or drainage system;

(g) uses water unlawfully or unauthorisedly or agrees to or allows to grow any crop in contravention of any notification under this Act shall, on conviction, be punished with imprisonment

onment which may extend to two years or with fine which shall not be less than one thousand rupees, but may extend to five thousand rupees or with both:

Provided that in the case of a continuing offence, a fine not exceeding one hundred rupees per day shall also be imposed during the period of the continuance of the offence.

(2) While convicting any person under sub-section (1), the Judicial Magistrate may order that the said person shall remove the obstruction or repair the damage, sluice or outlet or replace the level mark, water gauge or other work in respect of which the conviction has taken place, within a period to be specified in such order. If such person neglects or refuses to obey such orders within the period so fixed, the Command Area Development Board may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person as arrears of land revenue.

36. *Liability when person using water unauthorisedly cannot be found.*— (1) If water supplied through a field channel is used in any unauthorised manner, and if the person by whose act or negligence such use has occurred cannot be found after such enquiry as the Command Area Development Board may deem sufficient, the Command Area Development Board shall, after giving not less than one month's notice to the holders and occupiers of all lands benefitted thereby and after hearing their representation, if any, make an order for the recovery of such charges as may be prescribed for such use from such holders and occupiers in such proportion as it may deem fit.

(2) All charges for the unauthorised use of water determined under sub-section (1), shall be recoverable as arrears of land revenue.

37. *Abetment of offences.*— Whoever, abets any offence punishable by or under this Act or attempts to commit any such offence, shall be punished with the penalty provided by or under this Act, for committing such offence.

38. *Punishment under other laws not barred.*— Nothing in this Act shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act or omission made punishable by or under this Act:

Provided that no person shall be prosecuted and punished for the same offence more than once.

39. *Offences under this Act to be cognizable.*— All offences punishable under this Act shall be cognizable and bailable.

40. *Power to remove and take into custody person obstructing.*— Any Officer or authority in charge of or employed on any

irrigation system under a pipe-outlet may remove from the land or any building thereon or may take into custody without a warrant and forthwith hand over to a police officer in-charge of the nearest police station, any person who within his view,—

(a) wilfully damages, alters, enlarges or obstructs any irrigation system under a pipe-outlet; or

(b) without proper authority interferes with the supply or flow of water in or from any irrigation system under a pipe-outlet so as to endanger, damage or render less useful such irrigation system under a pipe-outlet:

Provided that every person so taken into custody shall be produced before the nearest Magistrate within a period of twenty four hours of such custody excluding the time necessary for the journey from the place of arrest to the court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

41. *Payment of reward to informant.*— Whenever any person is sentenced with fine under this Act, the Superintending Engineer, Command Area Development Board, shall have power to reward any person who gave information leading to the detection of the offence or to the conviction of the offender, with such amount as he may determine. However, the Superintending Engineer, CAD, shall ensure the secrecy of the identity of the informant.

42. *Composition of offences.*— (1) Any Officer authorised by the Command Area Development Board may accept from any person who has committed or in respect of whom a reasonable belief can be inferred that he has committed an offence punishable under this Act, or the rules made thereunder, a sum of money not exceeding two hundred rupees, by way of composition for such offence.

(2) On payment of such sum of money, the said person if in custody, shall be released and no further proceedings shall be taken against him in regard to the offence so compounded.

CHAPTER - XIII

43. *Obligation of land-holders of land adjacent to Command Areas.*— Where, for the safety of an irrigation system under a pipe-outlet in a Command Area and for other technical reasons it is considered necessary to take any conservation measures like contour bunding, drainage and trenching in land adjacent to the lands under the Command Area, the Command Area Development Board shall have powers to take suitable action.

44. *Charge leviable.*— The Command Area Development Board may levy and collect charges for the maintenance and repairs of irrigation channels or drain channels from the benefi-

ciaries where maintenance of such channels is done by the Command Area Development Board.

45. *Fees for service.*— The Command Area Development Board may charge such fees as may be prescribed under this Act, for rendering any service to any person.

46. *Members of the Command Area Development Board and members of the staff of the Command Area Development Board Offices to be public servants.*— Members of the Command Area Development Board and the members of the staff of the Command Area Development Board offices shall, while acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

47. *Protection for acts done in good faith.*— No suit, prosecution or other legal proceeding shall lie against the Government, the Command Area Development Board or any officer or servant of the Government or of the Command Area Development Board for anything which is in good faith done or purported or intended to be done in pursuance of this Act, or any rule made thereunder.

48. *Recovery of dues as arrears of land revenue.*— Whenever any sum due to be paid by any land-holder has not been paid within the time specified for such payment, it shall be recoverable with interest at such rates as may be prescribed in the same manner as arrears of land revenue under the law for the time being in force.

49. *Offences by companies.*— (1) If the person committing an offence under this Act is a Company, the Company as well as every person in charge of, and responsible to the Company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the Company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:— For the purposes of this section,—

(a) “Company” means any body corporate and includes a firm or other association of individuals, and

(b) “director” in relation to a firm means a partner in the firm.

50. *Bar of jurisdiction of Civil Courts.*— (1) No order passed or proceeding taken by an officer or authority under this Act, shall be called in question in any court in any suit or application and no injunction shall be granted by any court in respect of any action taken or about to be taken by such officer or authority in pursuance of any power conferred by or under this Act.

(2) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purported to be done under this Act, without the previous sanction of the Government.

(3) No Officer or servant of the Government/staff members of Command Area Development Board Offices, shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of execution of duties or the discharge of the functions imposed by or under this Act.

(4) Save as otherwise provided in this Act, no suit shall be instituted against the Government in respect of any act done unless the suit is instituted within six months from the date of the act complained of.

(5) In the case of an intended suit against any Officer or servant of the Government/staff members of Command Area Development Board Offices under sub-section (1), the person intending to sue shall be bound to give the Officer or servant, as the case may be, at least two months notice of the intended suit with sufficient description of the cause of action failing which such suit shall be dismissed.

51. *Power to summon and examine witness.*— Any Officer empowered under this Act to conduct any enquiry may exercise such powers connected with the summoning and examining of the witnesses and the production of documents as are conferred on a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), and any such enquiry shall be deemed to be a judicial proceeding.

52. *Revision.*— (1) The Government may, either suo-motu at any time or on an application made within the prescribed period by any person interested, call for and examine the record relating to any decision or order passed or proceeding taken by the Command Area Development Board or officer subordinate to it under this Act, for the purpose of satisfying itself as to the legality or propriety or regularity of such decision or order or proceedings.

and if in any case, it appears to it that any such decision, order or proceedings should be modified, annulled, reversed or remitted for reconsideration, it may pass orders accordingly:

Provided that no orders adversely affecting any person shall be passed under this sub-section unless such person has been given an opportunity of making a representation.

(2) The Government may stay the execution of any such decision, order, or proceeding pending the exercise of its powers under sub-section (1).

53. *Power to make rules.*— (1) The Government may, subject to the condition of previous publication in the Official Gazette, by notification, make rules to carry out all or any of the purposes of this Act.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the Government may make rules consistent with this Act generally to carry out the purposes of the Act.

54. *Regulations.*— The Command Area Development Board may, with the previous approval of the Government, after previous publication, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, for enabling it to discharge its functions under this Act.

55. *Directions by Government.*— In the discharge of its functions, the Command Area Development Board shall be guided by such directions and instructions as may be given to it by the Government.

56. *Act to override other laws.*— (1) The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything in consistent therewith contained in any other law for the time being in force or any custom, usage or contract or decree or order of a court or other authority.

(2) For the removal of doubts, it is hereby declared that the provisions of the Goa, Daman and Diu Irrigation Act, 1973 (Act 17 of 1973) and the rules made thereunder shall apply to the extent such provisions are not inconsistent with the provisions of this Act.

57. *Power to remove difficulties.*— If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, as occasion requires, do anything not inconsistent with the provisions of this Act which appears to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Statement of Objects and Reasons

(1) Implementation of various items of Command Area Development Programme in the Command Areas of two major and one medium irrigation projects in the State is already under way. Few more such irrigation projects are also under consideration of the Government and C. A. D. Programmes in such projects also will naturally be taken up in future. At present, one of the Circle of Irrigation Department is looking after the C. A. D. Programmes under the provisions of the Goa, Daman and Diu Irrigation Act, 1973 (Act 17 of 1973) and C. A. D. guideline issued by the Government of India, Ministry of Water Resources, from time to time. Independent Command Area Development Boards constituted for each project are functioning as Advisory Bodies, but are not having any powers. But, this set up is found insufficient for the effective implementation of C. A. D. Programme.

(2) Command Area Development Programme is Centrally Sponsored Programme having national importance. The Government of India is emphasising more and more on its speedy and effective implementation and also has given directive to set up Command Area Development Boards with statutory powers. For achieving these objectives, a comprehensive legislation on the subject is absolutely necessary.

(3) There are many important items of Command Area Development Programme which cannot be implemented in the absence of C. A. D. Boards with statutory powers and a comprehensive legislation with suitable provisions for the same.

(4) This Bill seeks to achieve the above objects.

Financial Memorandum

No Financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 53 of the Bill enables the Government to frame rules to carry out the purposes of the Act.

Similarly, clause 54 of the Bill empowers the C. A. D. Board to frame regulations for the purposes of the Act.

These delegations are of normal character.

Panaji,
25th February, 1997.

DAYANAND NARVEKAR
Minister for Irrigation

Assembly Hall,
Panaji,
11th March, 1997.

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa

LA/B/738/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 20-3-97 is hereby published for general information in pursuance of the provisions of Rule 138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 21st March, 1997.

THE GOA SUPPLEMENTARY APPROPRIATION BILL, 1997

(Bill No. 2 of 1997)

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 1996 - 97.

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Supplementary Appropriation Act, 1997.

2. *Issue of Rs. 10447.52 lakhs out of the Consolidated Fund of the State of Goa for the financial year 1996 -97.* — From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of one hundred and four crores forty seven lakhs and fifty two thousands rupees towards defraying the several charges which will come in course of payment during the financial year 1996 - 97 in respect of the services and purposes specified in column 2 of the Schedule.

3. *Appropriation.* — The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa, by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE

(See Sections 2 & 3)

(Rs. in lakhs)

| No. of Demand | Services and purposes | Sums not exceeding | | Total |
|---------------|---------------------------|--------------------|--|--------|
| | | Voted by Assembly | Charged on the Consolidated Fund of the State of Goa | |
| 1 | 2 | 3 | 4 | 5 |
| 1. | State Legislature | 21.21 | 7.77 | 28.98 |
| — | Governor | — | 18.74 | 18.74 |
| 2. | Council of Ministers | 24.60 | — | 24.60 |
| 3. | Administration of Justice | 86.15 | — | 86.15 |
| 4. | Elections | 72.66 | — | 72.66 |
| 5. | Land Revenue | 53.00 | — | 53.00 |
| 6. | Stamps and Registration | 20.98 | — | 20.98 |
| 7. | State Excise | 23.52 | — | 23.52 |
| 8. | Sales Tax | 28.00 | — | 28.00 |
| 9. | Taxes on Vehicles | 12.42 | — | 12.42 |
| 10. | Other Taxes and Duties | 0.97 | — | 0.97 |
| 11. | Secretariat | 121.36 | — | 121.36 |

| 1 | 2 | 3 | 4 | 5 |
|-----|---|---------|--------|----------|
| — | Interest Payments | — | 663.00 | 663.00 |
| — | Public Service Commission | — | 3.69 | 3.69 |
| 12. | District Administration | 95.16 | — | 95.16 |
| 13. | Treasury & Accounts Admn. | 56.45 | — | 56.45 |
| 14. | Police | 356.00 | — | 356.00 |
| 17. | Stationery & Printing | 14.50 | — | 14.50 |
| 18. | Public Works | 125.28 | 16.80 | 142.08 |
| 19. | Other Admn. Services | 47.35 | — | 47.35 |
| 20. | Pensions | 300.00 | — | 300.00 |
| 22. | General Education | 1154.56 | 0.30 | 1154.86 |
| 23. | Technical Education | 39.18 | — | 39.18 |
| 24. | Sports and Youth Services | 23.40 | 9.30 | 32.70 |
| 25. | Art and Culture | 132.52 | — | 132.52 |
| 26. | Medical & Public Health | 682.45 | — | 682.45 |
| 27. | Family Welfare | 36.32 | — | 36.32 |
| 28. | Water Supply & Sanitation | 603.14 | 26.98 | 630.12 |
| 29. | Housing | 10.00 | — | 10.00 |
| 30. | Urban Development | 26.35 | — | 26.35 |
| 31. | Information & Publicity | 22.15 | — | 22.15 |
| 32. | Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes | 2.00 | — | 2.00 |
| 33. | Labour and Employment | 99.61 | — | 99.61 |
| 34. | Social Security & Welfare | 100.82 | — | 100.82 |
| 36. | Relief on account of Natural Calamities | 44.00 | — | 44.00 |
| 37. | Agriculture | 113.30 | — | 113.30 |
| 38. | Soil & Water Conservation | 2.00 | — | 2.00 |
| 39. | Animal Husbandry | 56.46 | — | 56.46 |
| 41. | Fisheries | 26.94 | — | 26.94 |
| 42. | Forestry & Wild Life | 160.13 | — | 160.13 |
| 43. | Food, Storage and Warehousing | 1544.66 | — | 1544.66 |
| 44. | Agricultural Res. & Education | 8.87 | — | 8.87 |
| 45. | Cooperation | 24.20 | — | 24.20 |
| 46. | Marketing and Quality Control | 3.33 | — | 3.33 |
| 48. | Com. Dev. & Panchayats | 68.61 | — | 68.61 |
| 49. | Special Area Programme | 9.90 | — | 9.90 |
| 50. | Major & Medium Irrigation | 1654.16 | — | 1654.16 |
| 51. | Minor Irrigation | 226.82 | — | 226.82 |
| 52. | Command Area Development | 83.52 | — | 83.52 |
| 53. | Flood Control and Drainage | 63.00 | — | 63.00 |
| 54. | Energy | 115.27 | 4.73 | 120.00 |
| 55. | Non-Conventional Sources of Energy | 2.25 | — | 2.25 |
| 56. | Village & Small Industries | 12.51 | — | 12.51 |
| 57. | Industries | 2.78 | — | 2.78 |
| 58. | Mining | 12.18 | — | 12.18 |
| 59. | Ports & Lighthouses | 85.56 | — | 85.56 |
| 60. | Roads & Bridges | 645.26 | 12.13 | 657.39 |
| 61. | Road Transport | 2.03 | — | 2.03 |
| 62. | Inland Water Transport Services | 204.86 | — | 204.86 |
| 65. | Tourism | 60.76 | — | 60.76 |
| 66. | Census, Surveys and Statistics | 33.85 | — | 33.85 |
| 67. | Civil Supplies | 9.92 | — | 9.92 |
| 68. | Other Gen. Econ. Services | 14.84 | — | 14.84 |
| | Grand Total | 9684.08 | 763.44 | 10447.52 |

Financial Memorandum

Provision is made in the Bill to appropriate for certain services and purposes expressed in the Schedule during the financial year ending 31st March, 1997 a sum of Rs. 10447.52 lakhs over and above the amounts granted for those services for the financial year 1996-97. The amount mentioned above consist of Rs. 6339.40 lakhs on Revenue Account and Rs. 4108.12 lakhs on Capital Account.

This Bill is introduced in pursuance of Article 205(1) read with Article 204 of the Constitution of India to provide for the Supplementary Appropriation out of the Consolidated Fund of the State of Goa of the moneys required to meet the amounts required on certain services during the financial year, 1996-97 in excess of the amounts granted for those services.

Panaji,
March, 1997

SHRI PRATAP Singh RAOJI RANE
Chief Minister

Legislative Assembly of Goa

A

BILL

To give effect to the financial proposal of the State of Goa for the financial year 1996-97.

The Governor has, in pursuance of clauses (1) and (3) of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

ASHOK B. ULMAN
Secretary, Legislature Department